UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1017
9 December 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 1035 (1995)

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1035 (1995) of 21 December 1995.

2. The second Peace Implementation Conference, held in London on 4 and 5 December 1996, reaffirmed its commitment to fully achieving the objectives set out in the General Framework Agreement for Peace in Bosnia and Herzegovina and its annexes (the "Peace Agreement"). The Conclusions of the Conference were adopted on 5 December and have been issued as a document of the Security Council (S/1996/1012, annex). The Conference reviewed progress made during the first year of the implementation of the Peace Agreement and expressed its willingness to continue to devote human and financial resources to build upon the achievements of the past 12 months in order to consolidate peace, encourage reconciliation and economic, political and social regeneration and restore Bosnia and Herzegovina to economic health and prosperity. The pursuit of these objectives is primarily the responsibility of the authorities in Bosnia and Herzegovina, and the Conference emphasized that the willingness of the international community to devote human and financial resources is dependent upon their strengthened commitment to implementation of the Peace Agreement. The Conference endorsed the guiding principles for a two-year "consolidation period" developed at the meeting of the Ministerial Steering Board of the Peace Implementation Council and the Presidency of Bosnia and Herzegovina held in Paris on 14 November 1996. The Conference also adopted an Action Plan for the first 12-month period of this consolidation phase.

3. The present report summarizes the activities of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) since my last report of 1 October 1996 (S/1996/820). This report provides an updated overview of the work of other branches of the United Nations system active in Bosnia and Herzegovina during the same period. It also contains my recommendations for the future of the United Nations involvement in Bosnia and Herzegovina, which are based on the recommendations of the London Conference.

II. IMPLEMENTATION OF THE DAYTON AGREEMENT

4. Fighting in Bosnia and Herzegovina came to an end on 11 October 1995. From that date until 20 December 1995, forces of the United Nations Protection Force (UNPROFOR) monitored a ceasefire put in place to allow for peace negotiations being launched in Dayton, Ohio. On 21 November 1995, in Dayton, the General Framework Agreement for Peace in Bosnia and Herzegovina was initialled along with 11 associated annexes (together, the "Peace Agreement"). On 8 and 9 December 1995, the Peace Implementation Conference met in London, appointing Mr. Carl Bildt as High Representative. On 14 December 1995, the Peace Agreement was signed in Paris by the Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia as well as the other parties thereto.

5. On 15 December 1995, the Security Council, by its resolution 1031 (1995), welcomed the deployment of a multinational Implementation Force (IFOR) in Bosnia and Herzegovina and the broader region, and noted the invitation of the parties for that force to remain "for a period of approximately one year". In the same resolution, the Council endorsed the establishment of a High Representative to "mobilize and, as appropriate, give guidance to, and coordinate the activities of, the civilian organizations and agencies involved" with the civilian aspects of the Peace Agreement. On 20 December 1995, authority was transferred from UNPROFOR to IFOR. On 21 December 1995, the Security Council, by its resolution 1035 (1995), decided to establish, for a period of one year, the United Nations International Police Task Force (IPTF) and a United Nations civilian office, brought together as the United Nations Mission in Bosnia and Herzegovina (UNMIBH).

6. Since December 1995, the involvement of the United Nations system in Bosnia and Herzegovina has evolved into a supporting role. The Commander of IFOR has taken the lead in military matters; the High Representative has taken the lead in civilian matters. My Special Representative in Bosnia and Herzegovina, Mr. S. Iqbal Riza, has led UNMIBH, ensuring that its work has been closely coordinated with that of the Office of the High Representative.

III. ACTIVITIES OF THE MISSION SINCE 1 OCTOBER 1996

United Nations International Police Task Force

7. The current strength of IPTF is 1,704 monitors from 34 different countries. IPTF operates from 62 locations within the mission area. The level of cooperation existing between the police forces from the different entities and IPTF monitors has been reasonable, though some problems do still remain, particularly as regards the restructuring of the police force in the Republika Srpska.

8. IPTF, led by its Commissioner, Mr. Peter FitzGerald, is charged with monitoring all activities of the Federation Police Force and that of the Republika Srpska. IPTF monitors, accompanied by police from the respective Entities, conduct joint patrols in an effort to introduce principles of democratic policing by example. IPTF has successfully introduced community

policing into a number of areas. A school programme has also been developed by IPTF, designed to educate students at all levels in their civic duties and the principles of democratic policing. IPTF is also engaged in a comprehensive training, restructuring and vetting programme for the different police forces.

9. The training and restructuring of the Federation Police is continuing, although somewhat more slowly than had been anticipated, owing mainly to political disputes between the Federation partners. Since July, 12,500 applicants have been tested. Of these, 7,000 from seven cantons have now been vetted in relation to their record on human rights. The training has almost been completed in three cantons. Agreement has been reached between the Federation authorities and IPTF on the type and design of identification cards to be issued to the restructured Federation police force. The Sarajevo canton will be the first to receive the new identification cards and the new style Federation uniforms.

10. The training and restructuring of the Republika Srpska Police has not yet begun. No formal agreement has been reached between the Republika Srpska authorities and IPTF with regard to the restructuring and training of their police, although they have informally agreed in principle with the IPTF requirements. This will be a major focus of attention for IPTF in 1997.

11. On 28 September 1996, the Government of Ireland hosted the International Conference on Law Enforcement in Bosnia and Herzegovina, organized by the United Nations in order to solicit financial support for training and equipping the Bosnian police forces. Pledges made at the Dublin Donor Conference have not reached expected levels, which in turn has affected the pace of training and re-equipping of local police.

12. The transfer of authority from the Western European Union police to IPTF in Mostar occurred smoothly on 15 October. IPTF has taken steps aimed at disbanding a number of Bosnian Croat para-police forces. At the insistence of the Commissioner of IPTF, the Special Police Force in Mostar has been disbanded, as have various groups of armed civilian security guards. Other Special Police units throughout the Federation are also in the process of being disbanded.

13. Following the major changes that have taken place recently in the command structure of IFOR, the close working relationship between IFOR and IPTF continues. Senior personnel from IFOR and IPTF exchange information of mutual interest on a regular basis. A high level of cooperation also exists between IFOR personnel and IPTF monitors in the field. Joint patrols between IPTF and IFOR are conducted daily, especially in areas where tension is high or incidents are anticipated.

Civil Affairs

14. Civil Affairs officers have continued to perform their three main tasks, namely, to provide support to IPTF, to analyse and report on local political events and trends and to make available good offices for local confidence-building and problem-solving.

15. Regular briefings by Civil Affairs officers to IPTF regional, district and station commanders provide the latter with an understanding of the local political dynamics in their respective areas of responsibility. Moreover, Civil Affairs officers continue to assist IPTF in the establishment of working relationships with key local and international actors and, through such relationships, help to contain potentially explosive situations. Civil Affairs and IPTF also work together in monitoring human rights and cooperate with other international actors in order to ensure that cases of abuse are addressed by the relevant national bodies. However, it has become apparent that most of the violations of human rights which occur in Bosnia and Herzegovina (by some estimates as many as 70 per cent) are the work of the police forces of the Entities themselves. This creates the need for independent investigation of such cases. It was therefore proposed by the United Nations at the second Peace Implementation Conference that this responsibility should be entrusted to IPTF, a proposal which attracted widespread support and was incorporated in the Conclusions of the London Conference (see para. 2).

16. The detailed reporting on political developments provided by Civil Affairs officers has enabled my Special Representative to contribute to discussions at the national and regional levels on the implementation of the Dayton Agreement. This information, together with reports from IPTF, has been made available to other international actors at their request, including the High Representative, IFOR, the Organization for Security and Cooperation in Europe (OSCE) and the agencies and programmes of the United Nations system.

17. Civil Affairs officers' close contacts with local authorities have facilitated cross-Inter-Entity Boundary Line meetings of officials on several occasions and have thus contributed to a reduction of tension and of the potential for violence. On the Federation side, Civil Affairs officers continue to make available their good offices in order to facilitate the establishment of local government bodies, in coordination with the Office of the High Representative. Finally, Civil Affairs officers act as focal points for the dissemination of information to local authorities on the programmes and activities of other international organizations working in the country, especially those of the United Nations system.

Mine Action Centre

18. The international staff of the United Nations Mine Action Centre (MAC) consists of eight United Nations staff members and one seconded military advisor. In addition, 25 local staff are employed in MAC and are being trained on the job. MAC has one partially established regional office in Mostar but the planned regional offices in Banja Luka, Tuzla and Bihać have yet to be staffed. Since the present staffing and structure of MAC are insufficient to meet the anticipated mine-clearance requirements in 1997, the Department of Humanitarian Affairs will shortly issue a revised organizational structure and budget for MAC.

19. MAC is continuing to take the lead role in coordinating the mine-clearance programme, facilitating the implementation of activities and encouraging the Government and donors to implement a unified programme. A national management

training programme aimed at assisting the Government in assuming full responsibility for mine-clearance activities has begun.

20. The focus of current efforts is on developing the capacity necessary to address priority demining tasks, so that reconstruction can proceed and conditions may be created for refugees and displaced persons to return to their homes. To achieve these immediate goals, MAC has prepared an overall mine action plan. The plan includes a comprehensive training programme and an employment mechanism to make available up to 2,000 deminers by April 1997, when weather conditions will permit mine-clearance activities throughout the country. Some elements of the plan are already being implemented through four programmes financed by donors and coordinated by MAC. Delays in the implementation of these programmes have, however, resulted in a need for MAC to assume a more active role. A United Nations Mine Action Programme has therefore been developed and has been included in the United Nations Humanitarian Appeal for 1997. It is designed to meet the expected shortfall in the number of required deminers.

United Nations Trust Fund

21. Projects supported by the Trust Fund for the restoration of essential services in Sarajevo, established by Security Council resolution 900 (1994), continue to be monitored by the mission. UNMIBH also manages the Quick Impact Fund, which provides an effective mechanism for funding small urgent projects in Sarajevo. Of the US$ 18.9 million deposited into the Trust Fund since 1994, only approximately $1 million remains uncommitted.

IV. ACTIVITIES OF THE UNITED NATIONS SYSTEM

Office of the United Nations High Commissioner for Refugees

22. In the period under review, the Office of the United Nations High Commissioner for Refugees (UNHCR) has continued its efforts to implement annex 7 of the Dayton Peace Agreement. It is estimated that, since the beginning of 1996, some 250,000 refugees and displaced persons have returned to their homes in Bosnia and Herzegovina (approximately 50,000 from asylum-countries outside the region) out of 2.1 million persons uprooted during the war. UNHCR has provided assistance to many of those already returning home while at the same time laying the foundations for large-scale returns primarily through the following two measures.

23. First, rehabilitation work continued in the 22 "target areas" for return identified by UNHCR in June 1996 (19 in the Federation and 3 in the Republika Srpska), with the support of the International Management Group, the World Bank, the European Commission and others. Of an estimated 84,000 houses requiring repair, work has been completed on 24,000 so far. Other key community infrastructure activities, such as the repair of 100 schools, 50 clinics and hospitals, 60 water systems and 50 power systems, have been undertaken. It is estimated that up to 100,000 people, mainly displaced persons, will benefit from these activities. In 1997, UNHCR will continue to encourage donor investments

in the target areas as well as identify other areas where returns would be feasible.

24. Secondly, UNHCR has continued with its confidence-building measures, namely, the local working groups on return, the Inter-Entity bus services and visits by displaced persons to their home areas. In spite of the many obstacles UNHCR has faced, these initiatives are having a positive impact. However, they are not intended to be an end in themselves, but a first step towards returns to minority areas. In this context, UNHCR has also been involved in the implementation of the Procedure for Return to the Zone of Separation (ZOS) adopted in October by the Office of the High Representative, UNHCR, IFOR, IPTF, the European Commission and the Parties. UNHCR has set up five International Housing Commissions to process applications. To date, over 1,500 persons have moved back to their homes across the Inter-Entity Boundary Line in the ZOS. However, UNHCR is very concerned at the increased burning and bombing of houses of potential returnees, particularly on the Republika Srpska side of the ZOS, which reveals how much opposition still remains to this type of return in some quarters.

25. UNHCR's estimate is that in 1997 some 200,000 refugees will be assisted to repatriate to Bosnia and Herzegovina in organized movements, and that up to an additional 200,000 refugees and displaced persons may go back spontaneously. This will require accelerated rehabilitation and reconstruction efforts in order to build up capacity to absorb such large numbers of returns. UNHCR itself plans to rehabilitate up to 15,000 houses or apartments in 1997, providing accommodation for some 75,000 returnees or relocated persons. It also plans to establish closer cooperation with host countries to facilitate and plan return movements.

26. In the past month, UNHCR has also formally launched an initiative, already started in July, to develop a plan of action for durable solutions to the problem of refugees and displaced persons in the region as a whole, including the neighbouring States of Croatia and the Federal Republic of Yugoslavia. The time-frame of this plan would be two years, to coincide with the consolidation period. The plan will be finalized by next spring, in consultation with States in the region and States hosting refugees, as well as financial and development-oriented institutions at the national, regional and international levels. It will comprise a range of solutions for the uprooted, including repatriation, return, voluntary relocation and local integration as well as (for a much smaller number) resettlement or continued protection abroad.

United Nations High Commissioner for Human Rights

27. During the reporting period, the field operation of the High Commissioner for Human Rights has provided substantive and technical support for two recent missions of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia. During those missions, the Special Rapporteur visited locations in which serious violations of human rights have been reported. Particular attention has been given to such problems as freedom of movement, personal security, the right to return and freedom of the media. With regard to individual cases, the human rights field operation cooperates closely with IPTF and with national

institutions established for the protection of human rights, in particular with the Federation Ombudsmen. The field operation also supports activities of the United Nations Expert on Missing Persons. It continues to cooperate with the Office of the High Representative. Within the framework of the Human Rights Coordination Centre, the High Commissioner for Human Rights initiated the establishment of the inter-agency Human Rights Institution Building Working Group. Members of the operation became more active in various fields of institution-building and support to non-governmental organizations (NGOs).

International Tribunal for the former Yugoslavia

28. The Office of the Prosecutor was opened in Sarajevo on 21 August 1996. Its role is to provide a focal point for activities of the Tribunal in the Federation and the Republika Srpska in order that information can be requested and received from Governments, United Nations agencies, IFOR, NGOs and individuals in relation to war crimes.

29. The Office provides logistical support, including the establishment of security arrangements with IFOR when required, particularly in relation to exhumations. Support given to investigators carrying out missions in the area includes accompanying them and assisting with their investigations and conducting further inquiries if necessary. The Sarajevo office endeavours to ensure adherence to the "Rules of the Road" procedures (Rome Agreement), which relate to the detention by the authorities of persons suspected of war crimes.

United Nations Development Programme

30. In July 1996, the United Nations Development Programme (UNDP) office was established in Sarajevo. UNDP's initial programme is based on the findings and recommendations of a multisectoral United Nations system mission which visited Bosnia and Herzegovina in March 1996. The initial programme of UNDP focuses on providing assistance to the country in its efforts to revitalize its economy and strengthen its governmental and local institutions. For 1996, UNDP made approximately $5.7 million available. In addition, the Japanese Government agreed to make $30.8 million available to UNDP to support the programme for the 1996-1998 period.

31. To date, two area/community development projects have begun. One project in the area of economic management is providing assistance to the Government in the elaboration of a medium- and long-term economic transition strategy and policy. Assistance is also provided to emergency education, rehabilitation and the health sector, including the rehabilitation of the only pharmaceutical plant in the country. Agriculture is supported through an emergency quality seed production programme; the judiciary is supported through a training and system upgrading project. Technical support is provided to strengthen planning and technical support units of Governmental entities both at the centre and at the local level.

World Bank

32. The World Bank's mission in Bosnia and Herzegovina continues to support the economic reconstruction of the country through implementation of the

reconstruction programme approved by the international community at the Brussels conference in December 1995. The World Bank is also helping Bosnia and Herzegovina to introduce reform in the economic system to permit the development of a more market-friendly economy.

33. A total of $325.6 million in World Bank funds has been mobilized in 13 specific projects to date. Additionally, a fund of over $120 million is being managed by the Bank for co-financing these projects. The value of the projects prepared by the World Bank, now in phase of implementation, is about $1 billion. As of mid-November, contracts signed using World Bank-administered funds totalled 913, for a value of over $185 million.

34. The World Bank has made a major effort to help coordinate the work of donors participating in the reconstruction programme. Particular support has been provided to UNHCR for its priority refugee return programme. The World Bank has been able to mobilize substantial resources to rebuild houses in the UNHCR target zones and to implement job-creation programmes and other schemes for infrastructure development. Other agencies playing a key role with the World Bank in coordinating reconstruction are the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the International Labour Organization (ILO). These agencies head reconstruction task forces set up by the World Bank to cover the sectors of agriculture, health, water and employment.

World Food Programme

35. During the reporting period the World Food Programme (WFP) has continued to carry out its programme of delivering food aid throughout Bosnia and Herzegovina and managing its distribution through local authorities and other implementing partners to over 2 million beneficiaries. During the past months, WFP has resumed full responsibility for food aid management formerly undertaken by UNHCR. A new food aid strategy has been compiled, based on the findings of the April Joint Inter-Agency Food Aid Needs Assessment Mission and on extensive consultations with UNHCR and other implementing partners. This strategy is being reflected in the United Nations Consolidated Appeal for Humanitarian Assistance in 1997.

36. As part of its commitment to indirect targeting of some WFP resources through projects that work towards revitalization of the Bosnia and Herzegovina economy, WFP has continued its policy of providing wheat grain for local milling. At the end of August, 37,000 metric tonnes of wheat grain arrived, and a further 25,000 metric tonnes were received in November (both donations from the United States of America). Six mills in Bosnia and Herzegovina (including one mill in the Republika Srpska) were contracted to process this grain into wheat flour for WFP programmes. This project has helped to create 500 jobs and increase the capacity of this vital food processing industry. In November, a project to produce nutritionally enriched biscuits was begun with a Sarajevo bakery and the Federation Ministry for Social Welfare. The biscuits will be used for winter supplementary feeding programmes targeted to highly vulnerable groups (isolated elderly individuals, pregnant women, nursing mothers and the very young).

World Health Organization

37. WHO programmes have been adapted throughout 1996 to provide an appropriate balance of humanitarian health assistance and development support. Outbreaks of communicable diseases remain a constant potential threat, while chronic diseases have resurfaced after four years of relative inattention. Displaced persons and returnees in some areas depend upon emergency assistance while community health services are sufficient in others. WHO rehabilitation efforts are meeting immediate needs while work is progressing to develop an infrastructure for sustainable and appropriate services.

United Nations Children's Fund

38. The United Nations Children's Fund (UNICEF) and WHO have supported the Ministry of Health, in each Entity, to prepare for a National Immunization Day in December. This campaign is expected to provide polio immunization to an additional 75,000 children. The campaign comes as a culmination of intensive immunization programmes throughout 1996. Authorities in Sarajevo and Gorazde held seminars on breast-feeding and defined their respective plans of action. UNICEF also supported the Ministry of Education in preparing its national programme on early childhood development. This complements ongoing activities, supported by UNICEF, the World Bank, UNESCO and the Soros Foundation, to improve the training of uncertified teachers and provide them with technical support. Together with IFOR and the United Nations Mine Action Centre, UNICEF launched a special mine-awareness issue of the Superman comic book and carried out a youth poll prior to the September elections for children to participate and express their views.

United Nations Educational, Scientific and Cultural Organization

39. UNESCO has been working on several projects involving the repair and reconstruction of cultural and educational institutions, as well as various educational activities with other donors. In particular, it has completed the first stage of repair of the National Museum in Sarajevo. UNESCO has also funded independent media outlets and given financial support to cultural activities. In the field of cultural heritage, it held a three-week course in architectural protection and restoration and is preparing a rehabilitation plan for the Old Town in Mostar.

International Labour Organization

40. ILO, which leads the Donor Task Force on Employment and Training, continues to cooperate with the Government in promoting emergency employment programmes for war-affected groups and the unemployed. ILO is also assisting in the formulation of a post-war Labour Code adapted to the needs of the market economy.

V. FUTURE OF THE UNITED NATIONS MISSION IN BOSNIA AND HERZEGOVINA

41. The United Nations has been called upon by the London Conference of 4-5 December to discharge fundamental responsibilities during the next phase of the peace process (the "consolidation period"), working in close cooperation with the High Representative, the Stabilization Force (SFOR) and other major organizations. A paramount task will be the creation of suitable conditions for the early, safe and orderly return of refugees and displaced persons to their homes or other places of their choice. Responsibility in this area continues to be entrusted to the United Nations High Commissioner for Refugees, assisted by other components of the United Nations system. UNHCR will give priority to facilitating larger-scale voluntary returns to majority areas and to assisting those persons who wish to relocate voluntarily to or within these areas. Shelter and infrastructure repair programmes will accompany more targeted humanitarian assistance. Whereas priority will also be given to facilitating the return of refugees and displaced persons to all areas of Bosnia and Herzegovina, in accordance with the terms and guarantees of the Peace Agreement, such moves will hinge on full observance by the Parties of their commitments under annex 7 and speedy progress in the implementation of related provisions of the Peace Agreement as well as reconstruction and rehabilitation. During the two-year period, UNHCR will also seek solutions to the problem of refugees and displaced persons affecting the entire region - Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia - in the framework of implementation of a regional plan for durable solutions, to be presented to the international community in the spring of 1997.

42. The London Conference recognized the essential work of the International Police Task Force in promoting democratic policing and asked that it should be continued and strengthened. The Conference also noted the work of the United Nations High Commissioner for Human Rights, along with a number of other organizations, in implementing annex 6 of the Dayton Agreement. The High Commissioner will continue to provide support to the Office of the High Representative, technical assistance to the local authorities and IPTF, and support to the Special Rapporteur and the Expert on Missing Persons. The London Conference called for additional support for the work of the International Tribunal for the former Yugoslavia. The role of the United Nations Mine Action Centre in coordinating international efforts and supporting the national authorities in the field of mine clearance was also endorsed. The agencies and programmes of the United Nations system will continue with their activities in the fields of humanitarian assistance and rehabilitation and reconstruction.

43. I propose to retain my Special Representative in Bosnia and Herzegovina. As such, he will combine the functions of United Nations Coordinator and Chief of Mission of the United Nations Mission in Bosnia and Herzegovina (UNMIBH). His work over the past year has ensured cohesion between the various United Nations activities. He has also represented me in discussions within and outside Bosnia and Herzegovina on implementation of the Peace Agreement. The Special Representative has worked in close cooperation with the High Representative, the Commander of IFOR and other senior officials of the international community.

44. UNMIBH consists of IPTF and a United Nations civilian office. The United Nations Mine Action Centre (MAC) is also part of the mission. UNMIBH also runs the programmes of the former Office of the Special Coordinator for the restoration of essential services in Sarajevo.

45. The London Conference thanked IPTF for its work over the past year and welcomed the request of the authorities of Bosnia and Herzegovina that its mandate be extended for a further year. In section VI of the present report I recommend that this request be accepted by the Security Council and that the mandate of IPTF be slightly enlarged, as also requested by the London Conference.

46. The main elements of IPTF's mandate, as outlined in annex 11 of the Peace Agreement, are:

(a) Monitoring, observing and inspecting law enforcement activities and facilities, including associated judicial organizations, structures and proceedings;

(b) Advising law enforcement personnel and forces;

(c) Training law enforcement personnel;

(d) Facilitating, within IPTF's mission of assistance, the law enforcement activities of the Bosnian authorities;

(e) Assessing threats to public order and advising on the capability of law enforcement agencies to deal with such threats;

(f) Advising governmental authorities in Bosnia and Herzegovina on the organization of effective civilian law enforcement agencies;

(g) Assisting by accompanying Bosnian law enforcement personnel as they carry out their responsibilities, as IPTF deems appropriate.

47. In addition to these tasks, the London Conference requested IPTF to carry out investigations of human rights abuses by police of the local authorities in Bosnia and Herzegovina. This followed the agreement of those authorities to investigate urgently with the assistance of the IPTF, or to facilitate an IPTF investigation into, cases in which a police officer or any other law enforcement or judicial official is accused of involvement in any violation of human rights or fundamental freedoms. In order to fulfil this additional task, and in the light of experience in 1996, it might be necessary to increase the strength of IPTF above the current ceiling of 1,721 personnel. If so, I shall submit proposals in this regard to the Security Council after the Commissioner has evaluated the implications of the requests made by the London Conference. In addition, the United Nations High Commissioner for Human Rights will identify a small team of human rights specialists to provide assistance to IPTF. In accordance with a request from the High Representative that implementing agencies should locate their main regional offices in the same cities, I intend to establish a regional office of IPTF in Mostar, in addition to those already functioning in Sarajevo, Banja Luka and Tuzla. This decision is also made

necessary by the transfer of responsibility for policing in Mostar from the Western European Union to IPTF.

48. IPTF monitors will continue to require political advice from United Nations Civil Affairs officers. I do not, however, foresee a need to increase the number of Civil Affairs officers. Their current number and the structure of their organization is adequate to meet the requirements of IPTF, to provide political information to the High Representative and others and to offer their good offices at the local level, tasks which they have performed well in the past year.

49. The Mine Action Centre, which is funded by voluntary contributions through the Department of Humanitarian Affairs, will be further expanded, if donor contributions are forthcoming, to enable it to coordinate the international efforts in this important field more effectively.

VI. OBSERVATIONS

50. One year after its signature, we can draw satisfaction from the status of implementation of the Peace Agreement but also take note that much yet remains to be done.

51. Many positive developments have occurred. First and foremost, the massive presence of IFOR, led by the North Atlantic Treaty Organization (NATO), has ended the fighting. Armies have been disengaged and not a single casualty resulting from direct military action has been recorded. The elections that were held on 14 September 1996, in which over 2.4 million people cast their votes, have been certified by OSCE. The joint institutions foreseen in the Constitution of Bosnia and Herzegovina have begun to be set up.

52. However, Bosnia and Herzegovina is still very far from the unified society in which all peoples would enjoy the widespread freedoms envisaged in the Peace Agreement. The three parties have failed to implement in good faith those aspects of the Peace Agreement which would bind together the communities in the country. Freedom of movement and the return of refugees and displaced persons to their homes of origin are far from being secured. Harassment of minorities persists. Nationalist leaders of the Republika Srpska, as well as some Croat leaders, have continued to advocate the complete separation of their territories from Bosnia and Herzegovina. These realities have continued despite a large-scale international presence. Unless these nationalistic aspirations are abandoned soon, the prospect of restoring a united Bosnia and Herzegovina, for which the international community has made such an enormous effort, will fade.

53. Much attention was devoted at the London Conference to the need to ensure that the International Tribunal for the former Yugoslavia can do its work. I call once again upon all States to detain indicted war criminals and turn them over to the Tribunal. Failure to do so constitutes a violation of obligations under international law and further undermines efforts to promote reconciliation among the peoples of Bosnia and Herzegovina. The parties to the Peace Agreement have in particular failed to comply with the obligations they entered into in that Agreement. It is significant that, at the London Conference, the Steering

Board of the Peace Implementation Council was charged with considering what further measures can be taken to bring indicted war criminals before the Tribunal.

54. I welcome the Conclusions reached at the London Conference, which have once again clearly identified that the main responsibility for implementing the Peace Agreement rests with the authorities of Bosnia and Herzegovina. The international community, which has been involved on the ground in Bosnia and Herzegovina since 1992 and under whose auspices the Peace Agreement was concluded, continues to have a direct responsibility to ensure full compliance with the requirements of the Agreement. The London Conference has rightly made it clear that the international community's continued willingness to make available the human and financial resources required for reconstruction and development is dependent upon a strengthened commitment from the authorities of Bosnia and Herzegovina to fulfil their obligations under the Peace Agreement. I welcome the identification of specific criteria on whose fulfilment the commitment of international resources will be conditioned. The United Nations will fully support the work of the High Representative in monitoring the application of these criteria.

55. The United Nations will continue to assist in the implementation of the Peace Agreement as requested by the London Conference. Of particular importance is the return of refugees and displaced persons to their homes or other places of their choice. I commend the efforts of the High Commissioner for Refugees and the generosity and patience of countries where refugees are currently living. I regret that the pace of return has so far been extremely slow but ask those countries which are still sheltering refugees to maintain that patience. UNHCR, along with other agencies and programmes of the United Nations system, will strive to ensure that conditions for the return of refugees and displaced persons are in place, and thus to speed the rate of return.

56. On the basis of the requests made by the Peace Implementation Council and of my own assessment of the contribution of the United Nations to the implementation of the Dayton Agreement, I recommend that the Security Council decide to extend the mandate of UNMIBH for a further year, until 21 December 1997. I further recommend that IPTF, which forms part of UNMIBH, should have added to its mandate the task of investigating allegations of human rights abuses by police officers or other law enforcement officials of the various authorities of Bosnia and Herzegovina. Should a modest increase in the Force's strength be needed for this purpose, I shall seek the approval of the Security Council at the appropriate time.

57. IPTF will remain a crucial element in the coming consolidation period. Its role will continue to be particularly important in building law enforcement institutions which operate in accordance with democratic standards and form the basis of an open and free society. I encourage Member States to continue to contribute personnel to IPTF. I also call upon interested donor countries to contribute generously to funding the programmes for equipping and training the national police forces. There is also an urgent requirement for donors to contribute to the Mine Action Programme. If sufficient funds do not become available in the next two months, activities programmed for 1997 will be in

jeopardy, thus further delaying the implementation of reconstruction programmes and the return of refugees.

58. To conclude, I should like to pay tribute to my Special Representative, S. Iqbal Riza, and the IPTF Commissioner, Mr. Peter FitzGerald, and to the able men and women on their staff, for their devoted work in leading the United Nations contribution to the international community's efforts to bring lasting peace to Bosnia and Herzegovina.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/1018
9 December 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 7 DECEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 5 December 1996 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the continuing violations of the territory and airspace of the Republic of Iraq by Turkish armed forces.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

96-35742 (E) 101296 101296

/...

Annex

Letter dated 5 December 1996 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I refer to my letter of 16 November 1996 concerning continuing violations of the territory and airspace of the Republic of Iraq by Turkish armed forces (S/1996/951, annex) and should like to inform you that, on a variety of pretexts, such forces are still engaging in military operations inside Iraq's territory and in its airspace. The particulars are set forth hereunder.

1. On 30 October 1996 Turkish fighter aircraft bombarded the Iraqi villages of Pirbala and Kishan.

2. On 30 October 1996 Turkish artillery shelled the Qasrok and Mirgah Shish areas of Iraq.

3. On 29 and 30 October 1996, because of the continuing Turkish artillery shelling of areas inside Iraq, the inhabitants of the Iraqi village of Kani Masi left for other areas.

4. From 1505 to 1507 hours on 4 November 1996 a Turkish fighter aircraft carried out an aerial sortie in the Pibu area of the northern region.

5. On 4 and 5 November 1996 Turkish special forces, in brigade strength, entered the villages of Bayndaru, Dizu and Sabindar in the Shirwan area of Mirgah Sur district. Turkish artillery also shelled the Pir Siyaf, Khayruzuk and Jami areas.

6. Acting in an openly aggressive manner, Turkish forces arrested 16 citizens and caused damage to the homes and property of a number of others.

7. At 1000 hours on 10 November 1996 Turkish fighter aircraft bombarded the Iraqi villages of Karfiyah and Bakmalah, killing three children.

As stated in my previous letter, the Turkish Government bears full international responsibility for such acts of aggression committed inside Iraqi territory and for all their consequences, regardless of the alleged reasons it gives.

The Government of Iraq reserves its legitimate right under international law to seek compensation for the damage caused by these Turkish violations of its territory and its airspace. Through you, it renews its call to the Government of Turkey to reconsider its policy with respect to the situation in northern Iraq and to promote the collaboration of the two countries on the basis of those considerations of good-neighbourliness and mutual respect for sovereignty to which Iraq is committed. It will thus be possible to eliminate the reasons for the persistence of a situation that jeopardizes the interests of both countries and their desire to promote security and stability in the region so as to fulfil their peoples' aspirations for prosperity and progress.

In conveying to you the details of these Turkish violations, the Government of Iraq calls for an immediate and thorough investigation of the incidents in question. It does so because the practices of the Turkish forces, as represented by their repeated shelling of towns and villages in Iraq and their unlawful incursions into Iraqi territory, are in flagrant violation of Iraq's sovereignty and the inviolability of its territory and airspace, just as they are incompatible with relations of good-neighbourliness, the Charter of the United Nations, the norms of international law and the 1926 Iraq-Turkey boundary agreement. These practices may also undermine stability in the region as a whole, which is suffering primarily from the anomalous situation created by the Americans and their allies in northern Iraq. There is also, of course, the human suffering inflicted on Iraqi citizens by the unlawful activities of the Turkish armed forces and their military operations inside Iraqi territory.

The anomalous situation in northern Iraq, which is being maintained by the United States of America by means of brute force, and the deployment of United States and British strike forces in Turkish territory are preventing the two neighbours from resolving such issues as mar relations between them, and they pose a threat to international peace and security in the region and in the world at large.

As, through you, I reiterate my country's call to its Turkish neighbours to respect Iraq's sovereignty and territorial integrity, I express the hope that the United Nations will meet its responsibilities as laid down in the Charter and that it will halt the intimidation and aggression to which my country is constantly being subjected.

I should be grateful if you would have this letter circulated as a United Nations document.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/1019
9 December 1996
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 4 DECEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF CAMEROON TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In a letter dated 29 November 1996, the President of the Republic of Cameroon and current Chairman of the Organization of African Unity (OAU) invited those African States wishing to do so to put forward qualified candidatures for the post of Secretary-General of the United Nations in addition to that of Mr. Boutros Boutros-Ghali, which had already been presented.

I have been instructed to inform you that, according to information received to date by the Chairman of OAU, two additional candidatures have been put forward by the Heads of State, as follows:

Flt. Lt. Jerry John Rawlings, President of Ghana, has nominated Mr. Kofi Annan, and Mr. Ibrahima Mainassara Bare, President of the Republic of Niger, has nominated Dr. Hamid Algabid.

On instructions from my Government, I am transmitting these two candidatures to you, together with that of Mr. Boutros Boutros-Ghali.

I will not fail to transmit to you any other African candidature which is brought to the attention of H.E. Paul Biya, President of the Republic of Cameroon and Chairman of OAU, on whose behalf I have been instructed to conduct, insofar as it may be necessary, discussions and negotiations with a view to a happy outcome - the election, fervently desired by all of Africa, of an African candidate to the post of Secretary-General of the United Nations.

(Signed) Jérôme MENDOUGA
Ambassador of Cameroon

96-35755 (E) 091296 091296

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/1020
9 December 1996
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 5 DECEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF CÔTE D'IVOIRE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Declaration of the African Heads of State, meeting at Yaoundé in July 1996, which recommended a second term of office for Africa in the post of Secretary-General and was supported by the international community, remains applicable to this day.

Accordingly, in conformity with the position taken by Mr. Paul Biya, President of the Republic of Cameroon and current Chairman of the Organization of African Unity (OAU), in his communication of 29 November 1996, aimed at enabling African States which wish to do so to put forward candidates, and on instructions from my Government, I have the honour to put forward the candidature of Mr. Amara Essy, Minister for Foreign Affairs of Côte d'Ivoire, for the post of Secretary-General of the United Nations.

My Government also instructs me to inform you that the same notification has been given to Mr. Paul Biya, President of the Republic of Cameroon and current Chairman of OAU.

(Signed) Jean-Marie Kacou GERVAIS

Annex

[Original: English]

CURRICULUM VITAE

Mr. Amara Essy is the Minister for Foreign Affairs of Côte d'Ivoire.

Born in December 1944 in Bouaké, Côte d'Ivoire, Mr. Essy holds a degree in public law and a diploma of high-level studies in public law. He also holds a diploma from the Carnegie Endowment for International Peace (Switzerland).

Mr. Essy has held several high-level posts in the country's Administration, as a diplomat.

He became the Chief of the Division of Economic Relations of the Central Department in 1970. From 1971 to 1973, he was First Counsellor at the Embassy of Côte d'Ivoire in Brazil. From 1973 to 1975, he was a counsellor at the Permanent Mission of Côte d'Ivoire to the United Nations in New York.

In 1975, he was appointed Ambassador and Permanent Representative of Côte d'Ivoire at the European Office of the United Nations at Geneva and the United Nations Industrial Development Organization at Vienna.

From 1978 to 1981, he was also Ambassador Extraordinary and Plenipotentiary of Côte d'Ivoire to the Swiss Confederation at Berne.

He was Ambassador and Permanent Representative of Côte d'Ivoire to the United Nations in New York from 27 August 1981 to November 1990, assuming with these functions those of Ambassador Extraordinary and Plenipotentiary in Argentina and Cuba, with residence in New York.

Since November 1990, Mr. Amara Essy has been Minister for Foreign Affairs of Côte d'Ivoire.

In the course of his career, he has participated in several international conferences held by the Organization of African Unity (OAU), the Economic Community of West African States (ECOWAS), the Movement of Non-Aligned Countries and the Group of 77.

Mr. Essy has participated in several sessions of the United Nations General Assembly as well as several sectoral conferences, including the United Nations Conference on the Law of the Sea (Caracas, Geneva, New York), the Conference of the International Year of Women in Mexico, the fourth and fifth sessions of the United Nations Conference on Trade and Development at Nairobi and Manila, the Conference on the Codification of International Law, at Vienna, and many sessions of the Commission on Human Rights, the Economic and Social Council and the United Nations Development Programme.

Mr. Essy has served in various capacities within the United Nations. He was President of the Group of 77 in Geneva from January 1977 to January 1978, Vice-President of the forty-third session of the General Assembly from September 1988 to September 1989, President of the Security Council in January 1990 and President of the forty-ninth session of the General Assembly from September 1994 to September 1995.

Mr. Amara Essy holds numerous decorations, including the National Order of Côte d'Ivoire.

Mr. Amara Essy is married and has six children.

He speaks French, English and Portuguese.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/1021
9 December 1996

ORIGINAL: ENGLISH

LETTER DATED 6 DECEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF GHANA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the Security Council's current consideration of candidates for the position of Secretary-General of the United Nations.

Upon instructions from my Government, I have great pleasure in nominating for the consideration of the Council a distinguished citizen of my country, and a committed international civil servant, Mr. Kofi Annan.

Mr. Annan, currently Under-Secretary-General for Peacekeeping Operations, is already well known to members of the Security Council and the United Nations membership at large for his proved record of competence and trustworthiness in more than 30 years with the United Nations, both at Headquarters and in the field. With considerable experience in the administrative, political and operational aspects of this Organization, Mr. Annan is a highly rated international manager and diplomat.

Mr. Annan is singularly placed to lead the United Nations in all the priority tasks of the new Secretary-General, including organizational reform, streamlining the budget, managing the human resources of the Organization, providing political direction to the many peacekeeping operations and field missions of the United Nations, and ensuring that the challenges of development remain on the world agenda. He is the only candidate who has had personal experience during his career with United Nations management, budget, human resources, peacekeeping, refugees and other field missions. He is a proud son of Africa, who has lived, studied and worked in Ghana, Ethiopia and Egypt, and is sensitive to the problems faced by developing countries. He has also distinguished himself in Europe and North America, most recently heading the United Nations efforts and coordination with the North Atlantic Treaty Organization in the former Yugoslavia during the particularly sensitive and difficult transition period following the Dayton Accords.

Mr. Annan works effectively in both English and French, having studied at the Institut universitaire de hautes études internationales in Geneva as well as at the Massachusetts Institute of Technology and Macalester College.

I attach hereto a biographical note on Mr. Annan.

It is the hope of the Government of Ghana that the Council will give favourable consideration to the candidature of Mr. Kofi Annan and recommend to the General Assembly his appointment as Secretary-General of the United Nations with effect from 1 January 1997.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council and circulate it as a document of the Security Council.

(Signed) J. B. WILMOT
Ambassador
Permanent Representative

Annex

BIOGRAPHICAL NOTE: KOFI ATTA ANNAN

Kofi Annan is Under-Secretary-General for Peacekeeping Operations at the United Nations, a post to which he returned in March 1996, after having served as the Special Representative of the Secretary-General to the former Yugoslavia and the Special Envoy to NATO throughout the transition period which followed the Dayton Accords. He was originally appointed Under-Secretary-General for Peacekeeping Operations on 1 March 1993, a year after his appointment as Assistant Secretary-General in the same department.

Prior to these posts, Mr. Annan was employed by the United Nations in a number of other senior capacities. These included the position of Assistant Secretary-General for Programme Planning, Budget and Finance and Controller of the United Nations Organization. Following the invasion of Kuwait by Iraq in 1990, Mr. Annan was sent by the Secretary-General to Iraq to help see what could be done to improve the situation on the ground and to facilitate the repatriation of over 900 international staff. While there, Mr. Annan became engaged in negotiations for the release of Western hostages and in bringing attention to the plight of over 500,000 Asians stranded in Kuwait and Iraq. Subsequently, he led the United Nations team negotiating with Iraq on the possible sale of oil for purchases of humanitarian aid.

Earlier, Mr. Annan had held concurrently the positions of Assistant Secretary-General in the Office of Human Resources Management and Security Coordinator for the United Nations system, following appointments as Director of the Budget and as Deputy Director of Administration and Head of Personnel in the Office of the United Nations High Commissioner for Refugees. In all, he has devoted more than 30 years to the United Nations, serving in places as diverse as Addis Ababa, Cairo, Geneva, Ismailia and New York.

A national of Ghana, Kofi Annan returned to his home country during the period 1974-1976 as the Managing Director of the Ghana Tourist Development Company, serving concurrently on its Board and on the Ghana Tourist Control Board.

Apart from his official duties, Mr. Annan has long been involved in the areas of education and development and the welfare and protection of international staff. He is currently on the Boards of Trustees of Macalester College in St. Paul, Minnesota and the Institute for the Future in Menlo Park, California. He was for many years Chairman of the Board of Trustees of the United Nations International School in New York, and he served as a Governor of the International School in Geneva from 1981 to 1983. Within the United Nations, Mr. Annan has contributed to the work of the Appointment and Promotion Board and the Senior Review Group (both of which he chaired), to the Administrative, Management and Financial Board, to the Secretary-General's Task Force for Peacekeeping, and to the United Nations Joint Staff Pension Fund.

Kofi Annan, who speaks English, French and several African languages, studied at the University of Science and Technology at Kumasi and completed his undergraduate work in economics at Macalester College, which awarded him its Trustee Distinguished Service Award in 1994, in honour of his more than 30 years of service to the international community. He undertook graduate studies in economics at the Institut universitaire de hautes études internationales in Geneva. As a 1971-1972 Sloan Fellow at the Massachusetts Institute of Technology, he received a Master of Science degree in Management. In June 1996, Cedar Crest College in Allentown, Pennsylvania, awarded him the honorary degree of Doctor of Public Service.

Mr. Annan and his wife, Nane, live in New York. They have three children.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/1022
9 December 1996
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 6 DECEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF MAURITANIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to submit formally to the Security Council the candidature of Ambassador Ahmedou Ould-Abdallah for the post of Secretary-General of the United Nations for the period from 1 January 1997 to 31 December 2001.

This candidature comes in the context of the common approach initiated by the Organization of African Unity (OAU) at its thirty-second regular summit meeting, held a Yaoundé, which culminated, after consultations at the highest level, in the position reflected in the letter dated 29 November 1996 addressed to the President of the Security Council by Mr. Paul Biya, President of the Republic of Cameroon and current Chairman of OAU, in which it is stated that African States "may contact the Security Council directly" if they wish to put forward candidates and "inform the current Chairman of OAU of their action".

As can be seen from the attached curriculum vitae, Ambassador Ould-Abdallah, who served in the Mauritanian Administration as a senior official, ambassador and minister, is not unknown at the United Nations where for a long time he served in a number of important positions, notably that of Special Representative of the Secretary-General in Burundi.

The Mauritanian Government, which attaches the utmost importance to the fulfilment of the purposes and principles of the Charter of the United Nations, believes that the competence, experience and personal qualities of Ambassador Ould-Abdallah fully qualify him to serve as Secretary-General at this decisive stage in the Organization's history.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(Signed) Ahmed Ould SID'AHMED
Ambassador
Permanent Representative

Annex

[Original: English]

Biographical note

Ahmedou Ould-Abdallah

On 15 June 1996, Ambassador Ahmedou Ould-Abdallah took up an appointment as the Executive Secretary of the Global Coalition for Africa, a Washington D.C.-based intergovernmental forum for African political and economic issues. Its co-chairs include, inter alia, Sir Ketumile Quett Masire, President of Botswana, Cooperation Minister Jan Pronk of the Netherlands and Robert McNamara, former President of the World Bank.

A citizen of Mauritania, Mr. Ould-Abdallah will be continuing a distinguished career in public service, during which he has occupied senior posts in both his own country and in the United Nations. He served as the Special Representative of the Secretary-General in Burundi from November 1993 to October 1995. Prior to his service in Burundi, he was at United Nations Headquarters in New York as the Special Coordinator for Africa and the Least Developed Countries, a position to which he returned following completion of his assignment as Special Representative. In this capacity, he represented the United Nations, which was co-organizer, along with the Government of Japan and the Global Coalition for Africa, of the Tokyo International Conference on African Development in October 1993. He joined the United Nations in 1984 and was in charge of energy policy issues.

He has held several important posts in his native Mauritania, including Director-General of National Industries (1968-1971), Minister of Commerce and Transportation (1971-1972), Ambassador to the United States of America (1973-1976), the European Union, Belgium, Luxembourg and the Netherlands (1976-1979), and Minister for Foreign Affairs (1979-1980). He was also a member of the Board of Directors and Chief Executive Officer of Société nationale industrielle et minière, Mauritania's largest corporation involved in iron ore mining, in 1980. During his period of public service, he advocated an open approach to economic and political issues on the domestic and international arenas.

Mr. Ould-Abdallah is also a co-founder and board member of Transparency International, an international non-governmental organization devoted to fighting corruption, and the author of numerous articles on preventive diplomacy and development issues. He recently published a book entitled "Diplomatie Pyromane" which largely focuses on post-cold war conflicts.

Born in 1940 in Hassi-Abdallah, Mauritania, Mr. Ould-Abdallah received his higher education at the Universities of Grenoble and Paris (Sorbonne), and graduated with a Master's degree in economics and a diploma of higher economic studies, respectively. He also holds a diploma from the Paris Institut des études politiques. He has been honoured by, inter alia, the Governments of Mauritania, Senegal and Belgium. Divorced, he is the father of one son.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/1023
9 December 1996
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 6 DECEMBER 1996 FROM THE PERMANENT REPRESENTATIVE OF NIGER TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, and further to the consultations conducted by Mr. Paul Biya, President of the Republic of Cameroon and current Chairman of the Organization of African Unity, I have the honour to present to you the candidature of Mr. Hamid Algabid for the post of Secretary-General of the United Nations.

Mr. Algabid, former Prime Minister of Niger, is currently Secretary-General of the Organization of the Islamic Conference. His term expires on 31 December 1996. He has also occupied important posts, including those of Minister of Finance, Minister of Commerce and Secretary of State for Foreign Affairs and Cooperation.

He has a doctorate in legal studies from the University of Paris (Sorbonne) and speaks, reads and writes French, English and Arabic.

His curriculum vitae is annexed hereto.

The Government of Niger strongly hopes that his candidature will be supported by the States members of the Security Council.

(Signed) Adamou SEYDOU
Ambassador
Permanent Representative

Annex

[Original: English]

Mr. HAMID ALGABID

Personal details

National of the Republic of the Niger: Age 55 years. Married to Safia Moulaye.

Career

1988-1996: Secretary-General of the Organization of the Islamic Conference (OIC).

During the first term (1988-1992) instituted a series of structural, administrative and financial reforms. In the second tenure (1992-1996) major involvements include the reactivation of the work of the Committee for Solidarity with the Peoples of the African Sahel; the peace process in the Middle East; the conflicts in the Gulf, Bosnia and Herzegovina, Afghanistan, the southern Philippines, Somalia and Tajikistan. (Completes the second term on 31 December 1996.)

1983-1988: Prime Minister of the Republic of the Niger.

Instituted structural reforms in cooperation with international financial institutions and introduced effective coordination mechanisms in the Government.

1983: Minister of Finance.

Mobilized domestic resources and, among other reform measures, relieved financial constraints in the national treasury.

1981-1983: Minister of Commerce and Transport.

Carried out thorough reviews of the problems of trade, commerce and transport sectors and introduced progressive reform measures.

1979-1981: Secretary of State, Ministry of Foreign Affairs.

Principal responsibilities included bilateral dealings with external donors and cooperation with the United Nations and other international organizations.

Academic qualifications

Doctorate in Legal Studies, University of Paris, Sorbonne.
Post-Graduate Diploma, Institut de l'Administration publique de Paris.
Bachelor of Laws, University of Abidjan, Côte d'Ivoire.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1024
10 December 1996

ORIGINAL: ENGLISH

LETTER DATED 9 DECEMBER 1996 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication dated 9 December 1996 from the High Representative, Mr. Carl Bildt, on the implementation of the Peace Agreement on Bosnia and Herzegovina (see annex).

I would appreciate your bringing it to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

96-35893 (E) 111296 121296

/...

Annex

Letter dated 9 December 1996 from the High Representative for implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General

I have the honour to transmit to you my fourth report on my activities as High Representative for implementation of the Peace Agreement on Bosnia and Herzegovina (see appendix). I would appreciate your making this report available to the Security Council.

(Signed) Carl BILDT

Appendix

Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General

I. INTRODUCTION

1. Pursuant to the Security Council Resolution 1031 of December 15, 1995, which endorsed my appointment as High Representative to "monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to, and coordinate the activities of, the civilian organizations and agencies involved" in the implementation of the Peace Agreement on Bosnia and Herzegovina, I submit hereby my fourth report envisaged by Annex 10 of the Peace Agreement and the Conclusions of the London Peace Implementation Conference of December 8-9, 1995.

2. This report covers developments in the areas listed below during the period from the end of September to the beginning of December, 1996.

II. INSTITUTIONAL ASPECTS

Office of the High Representative

3. My Headquarters in Sarajevo and the Secretariat in Brussels have in the period described continued to maintain operational coordination of civilian implementation activities inside Bosnia and Herzegovina as well as contacts with the Headquarters of the respective implementation organizations and agencies, closely following, to the extent possible, the various international fora dealing with the Bosnian peace implementation. Specific attention was given to the series of high-level meetings leading up to the London Peace Implementation Conference and outlining the parameters of involvement of the international community in Bosnia and Herzegovina for the rest of the stabilization period.

4. Both the regional office of the High Representative in Banja Luka and the OHR representative in Tuzla continued their respective contributions to the overall effort, providing valuable points of contact to the different official and political institutions in important regions of Bosnia and Herzegovina, both of which have in the period described more than once become epicentres of political activity and tension for reasons outlined below.

5. Initial preparatory work has been done on the planned opening of an OHR regional office in Mostar, which is foreseen to function in close cooperation with the office of the Special Envoy of the European Union, the latter retaining primarily supervision of on-going EU economic assistance programmes. There will be the need to increase the regional office in Banja Luka in view of the transfer of a number of governmental functions of Republika Srpska from Pale. Pending the availability of sufficient resources, I am also contemplating the setting up of a proper regional office in the area of Tuzla and Brcko, thus assuring a better regional coverage throughout the country.

6. The closing of the initial stage of the peace implementation process inevitably coincided with the termination of assignments of a majority of international staff seconded to the OHR by the respective Governments, resulting in substantial personnel turnover. I am grateful to those Governments that have ensured either an extension of terms of duty or planned rotation. I shall be expecting further contributions in personnel and a prompt decision on the OHR budget for 1997.

Peace Implementation Council

7. The Steering Board of the Peace Implementation Council held a Ministerial meeting in Paris on November 14, devoted to defining the guidelines for civilian implementation during the two-year stabilization period.

8. I also convened monthly meetings of the Steering Board at the level of Political Directors of the respective Foreign Ministries, each devoted to specific issues of the peace process. The discussion at the meeting in Sarajevo on October 2 focused on the setting up of common BH institutions, as well as preparations for municipal elections and results of the UN-IPTF Donor Conference held in Dublin on September 28. A further meeting in Brussels on November 7 dealt with the preparations for the Paris Ministerial, while the one in Bonn on November 26-27 was part of the preparations for the London Conference. The Steering Board also met in London on December 3, immediately prior to the Conference itself.

9. The Peace Implementation Conference was held in London on December 4 and 5. It welcomed the substantial progress made in the past year, in particular that peace in Bosnia and Herzegovina had taken root, that elections had been held, that barriers to freedom of movement had begun to be dismantled, that the establishment of new multi-ethnic common institutions had begun, and that reconstruction was underway. It also sent a clear message that, while the international community remained committed to the peace process, responsibility for reconciliation lay with the authorities and citizens of Bosnia and Herzegovina, who had to progressively take charge of their own affairs. The Conference stressed that further international assistance would be conditional on the compliance by the authorities in Bosnia and Herzegovina with all of their obligations under the Peace Agreement. The Conference outlined the objectives for the next stage of the peace process and adopted an Action Plan for 1997,

which includes specific tasks in a number of fields. The final document of the Conference is attached as an Annex to this Report.

10. In accordance with the decision reached by the London Conference, the Peace Implementation Council will continue in 1997 as the overall structure supervising peace implementation in Bosnia and Herzegovina. The Steering Board, meeting on a monthly basis, will continue to provide the High Representative with political guidance. I intend to call the next session of the Steering Board in January, 1997.

11. In addition to the Steering Board sessions other important international meetings in various formats, including that of countries that had witnessed the signing of the Peace Agreement, continued taking place on a frequent basis. OHR was represented by myself or senior members of my staff. These meetings, some attended by delegations of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia, contributed to promoting the political and other aspects of peace implementation. It is my understanding that further meetings of this nature will take place during the stabilization period.

III. COORDINATION OF CIVILIAN IMPLEMENTATION

Overall coordination

12. Regular meetings of the key implementation agencies were held at my office in Brussels on October 8 and November 8 and 28, in order to assess the efforts undertaken by the different international agencies and organizations involved in the implementation of the Peace Agreement and coordinate their planning arrangements for the period beyond 1996. They also provided a useful instrument of coordination between the Steering Board and the above agencies. These meetings will continue, the next one being planned for January, 1997.

13. I have continued extensive consultations with representatives of governments and organizations. On September 25 I met the UN Under-Secretary General in New York and on the next day reported to the members of the Security Council on the progress in the Bosnian peace implementation. I also had several meetings with the OSCE Chairman-in-Office and attended the OSCE Summit Conference in Lisbon on December 2-3.

14. In Sarajevo, I have been convening on a regular basis Principals' Meetings with participation of COMIFOR the Special Representative of the UN Secretary General and the UN IPTF Commissioner, the UNHCR Special Envoy, and the OSCE Head of Mission. These meetings have proven most helpful and effective in coordinating efforts of the key implementation structures on the ground, particularly in facilitating the work of the new joint institutions and in defusing potentially dangerous situations in the Zone of Separation. I expect that this format will be maintained through the stabilization period.

15. Coordination of principles and priorities of international reconstruction assistance is taking place within the Economic Task Force, which meets on a regular basis in Sarajevo.

Operational coordination

16. On the ground in Bosnia and Herzegovina with the creation in the post-election period of common institutions based on the Annex 4 Constitution, the Joint Interim Commission, as well as its subsidiary bodies have effectively ceased to function, their mandates superseded by the newly-established institutions.

17. However, on the regional level my Office has received indications of substantial interest from the relevant municipal authorities and economic factors. With the municipal elections now postponed, my intention is to continue facilitating contacts at local and regional levels, promoting inter-entity cooperation in various fields, including return of refugees and displaced persons, property issues, elections preparations, economic reconstruction. The same approach will be applied to the established Working Groups on specific subjects.

18. The Joint Commissions established under the relevant Annexes of the Peace Agreement continued their work in respective fields.

19. Activities of the Provisional Election Commission (Annex 3), chaired by the OSCE, are referred to in a subsequent section of this report.

20. The Commission on Human Rights (Annex 6), composed of the Human Rights Chamber and the Ombudsperson, continued its work. To date, the Ombudsperson's Office has opened more than 800 provisional files, registered 332 cases, and referred 25 cases to the Human Rights Chamber. At the same time, more than 50 cases have been communicated to the responsible authorities and almost 40 requests for interim measures (under which the relevant Government is asked to refrain from taking certain actions pending review by the Ombudsperson of a case) have been issued. The Human Rights Chamber is now considering cases, and continues to work on its Rules of Procedure.

21. The response of the authorities in Bosnia and Herzegovina to these new institutions, however, remains substantially inadequate. Neither Entity has taken the concrete steps necessary to establish the Commission as an integral part of the legal framework of Bosnia and Herzegovina, by ensuring full cooperation with the Ombudsperson and Human Rights Chamber by authorities at all levels and within all divisions of government, establishing procedures for assisting with human rights investigations and responding to requests or reports from the Ombudsperson or Chamber, and adopting of legislation providing for the implementation and enforcement of their decisions. In addition, the Commission institutions continue to be funded by international donations, despite the requirement under the Peace Agreement that expenses of the Commission are to be borne by Bosnia and Herzegovina.

22. At the same time, the Commission has not yet had a significant impact on the lives of most people, including many victims of human rights violations who remain unaware of either their legal rights or the possible remedies available to them. Human rights implementing organizations have begun to take essential steps to ensure that cases are referred to domestic human rights institutions and to assist in "spreading the word" about their work. At the same time, public information campaigns and human rights training for legal professionals must be made priority tasks for the coming year.

23. The Commission for Real Property Claims of Displaced Persons and Refugees (Annex 7), mandated to restore a fair and just system of property rights in Bosnia and Herzegovina, began in early November to register real property claims in three regional offices in Lukavica, Mostar and Sarajevo. The Commission will establish a further six regional offices early in 1997, each with the capacity to register approximately 1,000 claims per month, and to make decisions concerning those property claims where records are readily available. The Commission faces an enormous operational challenge to register and verify many hundreds of thousands of individual property claims. The Commission proposes to establish joint programmes with host governments to register claims from refugees living abroad, and wherever possible it will work with other agencies to facilitate housing reconstruction programmes. The Commission has continued to meet regularly to develop the principles for the exercise of its mandate.

24. The Commission to Preserve National Monuments (Annex 8), coordinated by UNESCO, established its Working Secretariat in Sarajevo as well as a back-up Secretariat in Paris. Both are currently financed by UNESCO; proper funding through the Entities' budgets has yet to be set up. On expert level research continued aimed at producing a comprehensive list of national monuments throughout the territory of Bosnia and Herzegovina. However, the third session of the Commission, planned for mid-October, has been postponed.

25. The Commission on Public Corporations (Annex 9), chaired by the European Bank for Reconstruction and Development, continued regular sessions and meetings of working groups on electricity and railways.

Setting up of common BH institutions

26. The Constitution of Bosnia and Herzegovina, which constitutes Annex 4 of the Peace Agreement, provides for six common institutions, namely the Presidency, the Council of Ministers, the Parliamentary Assembly, the Constitutional Court, the Central Bank, and the Standing Committee on Military Matters.

27. The Presidency, comprising directly elected representatives of the three constituent peoples of Bosnia and Herzegovina, met for its first preliminary

session organized by my Office on September 30. It took, however, additional three weeks to get the Presidency in a working mode. Since October 22 and until December 1 there have been nine regular sessions of the Presidency, one extended to cover two days, in the course of which the Provisional Rules of Procedure of the Presidency were adopted, a decision on the structure of the Council of Ministers was taken and a number of other issues within the competency of the Presidency discussed. The Presidency, *inter alia,* heard reports by the caretaker Minister of Foreign Affairs and the Working Group on Foreign Policy Issues, where all the Presidency Members are represented, on preparations for BH participation in the various international fora. My Office facilitated the setting up and proper functioning of this and other Working Groups created by the Presidency.

28. On November 30, agreement was reached on the structure and composition of the Council of Ministers, with the nomination of ministers and deputy ministers to be approved of by the House of Representatives of the Parliamentary Assembly expected shortly. The Council will consist of two Co-Chairs, one Vice-Chair, one Minister for Foreign Affairs with two Deputy Ministers, one Minister for Foreign Trade with two Deputy Ministers and one Minister for Civil Affairs and Communications with two Deputy Ministers.

29. The House of Representatives, directly elected at the September 14 elections, had an inauguration ceremony on October 5. However, the failure of the majority of Deputies from Republika Srpska to participate, prevented the House from electing its own bodies and starting functioning in a normal way. The House of Peoples, selected through indirect procedures by the Assemblies of the two Entities, has not yet been constituted. It is planned to have sessions of both Houses in the immediate future.

30. The international members of the Constitutional Court have been appointed by the President of the European Court of Human Rights, as envisaged by the BH Constitution. The judges representing the Federation and Republika Srpska have yet to be nominated by the respective Governments and appointed by the Entities' Assemblies.

31. The full Board of Governors of the Central Bank has now been appointed, and is expected to have its first meeting in the nearest future.

32. The need for a speedy establishment of the Standing Committee on Military Matters has been brought to the attention of the Presidency. It was decided at the London Peace Implementation Conference that the High Representative and the SFOR Commander would participate in its work, for the duration of their terms of office, as observers. Legal aspects, including the correlation between the Presidency's constitutional powers as the civilian command authority over armed forces and provisions contained in the Defence Laws of both Entities, will have to be addressed.

33. On December 7 I informed the members of the Presidency as well as the Presidents of the Federation and the Republika Srpska that the OHR would now be publishing the official version of the Constitution of Bosnia and Herzegovina. This will involve the correction of a typographical error. The error is to be found in Article V (2) (c), which refers to the list of competencies in Article III (1) (a)-(c). This reference is wrong. The intended agreed reference to Article V (3) (a)-(c) was transcribed as a reference to Article III (1) (a)-(e). A review together with representatives of the US State Department of the negotiating records revealed that the reference to Article III (1) (a)-(e) in this place had been made inadvertently in the course of reorganizing the text of the Constitution in Dayton. It is expected that all future published version of the Constitution will correct this typographical error.

Elections

34. In my previous report, I emphasized the importance of municipal elections for Bosnian society and the need for substantial resources from the international community to ensure the effective organization and conduct of these elections. In the period under review, there was a significant increase in the appreciation of the complexities and sensitivity of these elections, which had been undertaken by the OSCE in February, confirmed in June and then postponed on August 27.

35. On October 2, the Steering Board, assisted by the OSCE, indicated its willingness to support a decision by the Provisional Election Commission on municipal elections in November on conditions that: a) higher standards would be met for the municipal elections than for those held in September; b) there would be international supervisors at all polling stations, throughout the chain of ballots and counting; and c) the OSCE would have the structures for possible re-runs of elections as well as for the installation of the elected officials. The Permanent Council of the OSCE considered the timing of and conditions for the holding of the municipal elections at its meeting on October 3, particularly the disposition of the OSCE Mission to hold these elections in late November. In the Chairman's Conclusions it was stated that that the installation of elected officials went beyond the OSCE's means and current mandate and that the Chairman-in-Office considered that there would be serious shortcomings should municipal elections be held in November, 1996.

36. As the Conclusions of this meeting demonstrated that the conditions set by the Steering Board could not be fully met for early elections, my designee did not agree with the decision by the Chairman of the Provisional Election Commission, at its meeting on October 4, to proceed with the holding of these elections in November. The Provisional Election Commission eventually decided, on October 22, to abandon the attempt to hold municipal elections on the dates agreed the previous month.

37. On November 30, it was announced that Bosnia and Herzegovina, Republika Srpska and the Federation had all signed an agreement by which the OSCE was requested to extend its mission, and also that of the Provisional Election Commission, on the basis of the provisions defined in Annex 3, until the end of 1997

so as to supervise the preparation and conduct of elections for the municipal governing authorities. This agreement was accompanied by a separate Memorandum of Understanding between the President of the Republika Srpska and the OSCE which set out certain understandings with regard to the holding of the municipal elections.

38. The Declaration adopted by the OSCE Summit in Lisbon on December 3 confirmed that the OSCE would supervise the preparation and conduct of the municipal elections and welcomed the agreement of the Parties to Annex 3 in this regard.

39. The Action Plan for 1997, commissioned by the meeting of the Ministerial Steering Board and of the Presidency of Bosnia and Herzegovina in Paris on November 14, and adopted by the London Peace Implementation Conference on December 5, welcomed the agreement of the authorities of Bosnia and Herzegovina to OSCE supervision of the municipal elections, the extension of the mandate of the PEC, their agreement on the holding of these elections by the summer of 1997, and invited the OSCE to begin work immediately so that the necessary preparations could begin in good time. The Action Plan highlighted the need for the OSCE, its Head of Mission and the High Representative to continue to co-ordinate closely and to work with SFOR, UN IPTF, UNHCR and other agencies on the planning and implementation of the post-elections period, and on the mechanisms for any necessary election re-runs and the installation of the elected officials. Moreover, the Action Plan requested the Steering Board and the OSCE to meet quickly, with the appropriate agencies, to agree how best to take work forward in these areas.

Federation issues

40. My Office continues to attribute high importance to a functioning Federation as one of the cornerstones for the successful implementation of the General Framework Agreement. Being one of the two constituent Entities of Bosnia and Herzegovina, the Federation needs fully functioning and stable structures. OHR, in conjunction with Governments of several countries, has continued to assist the Federation in making its political, economic and social structures operational.

41. Since my last report, progress has been achieved in a number of fields. The Federation Supreme Court has been constituted. During October, all Cantonal Assemblies constituted themselves and delegated their members to the Federation House of Peoples. On October 25, agreement was reached between the Federation partners concerning the future organization of Sarajevo. This opened the way for the constituent session of both Houses of the Federation Assembly on 6 November, where the members of the House of Peoples of Bosnia and Herzegovina from the Federation were delegated and a Federation Flag and Coat of Arms adopted. There is progress in the field of police, where, with the help of UN-IPTF and OHR, a model Cantonal police law was elaborated and further groundwork laid for the transformation of existing police forces in the Federation in accordance with the Constitution.

42. Much remains to be done, though. The structural problems that impede full implementation of the Federation which were described in my last report continue to persist. At the time this report was written, the Federation President, the Vice President, the Prime Minister and the Federation Government have not yet been nominated. A Federation Government and Cantonal Governments need to be established and be given the administrative and financial means to operate effectively. The transformation of present police structures must be finalized. The agreement on the future organization of Sarajevo has to be fully implemented. The Federation Assembly has to adopt those fundamental laws that are necessary to set the basic framework for the political and economic system of the Federation. Efforts to guarantee freedom of movement and the right of refugees and displaced persons to return to their homes throughout the Federation have to be intensified.

43. My Office will continue to assist the Federation partners in their efforts to realize these tasks, in order to create efficient and truly self-sustaining Federation structures.

Brcko arbitration

44. On December 8, the Presiding Arbitrator, Mr. Roberts Owen issued an order extending the time limit for completion of the arbitral proceedings to and including February 15, 1997. This had been preceded by discussions with both the Federation and the Republika Srpska, although the state of Republika Srpska participation in the arbitration process has been unclear throughout the period.

45. Participation in the arbitration process is a part of the Peace Agreement, as is the undertaking to fully respect and implement its results. It is of importance that this is clear to all of the parties as we are beginning to come close to a solution of this complex issue.

46. The arbitration itself refers, according to the Peace Agreement, to the question of the "the inter-entity boundary line in the Brcko area." There are no restrictions on the way in which the arbitration process can change the IEBL in this area. I would suppose that there might also be the need for agreement on other arrangements in order to seek a permanent and acceptable solution to this problem within the new time-frame now given.

Media

47. My Office has continued to monitor the media from both entities, both independently and in the framework of the OSCE Media Experts Commission. The performance of Republika Srpska TV and the news agency, SRNA, continues to be grossly inadequate, sometimes recalling the worst cases of

authoritarianism. They are, however, occasionally open to alternative opinion, and gave me the time for a long live interview, professionally conducted, in October. The media scene in areas under the control of the HVO remains bleak. It is somewhat better in the areas controlled by the BH Army, though far from satisfactory.

48. The encouragement and consolidation of independent media outlets across Bosnia remains a high priority if democratic values are to be entrenched. My Office has devoted most of its efforts in this regard to the Open Broadcast Network (OBN) which carries the programming of TV-IN, an independent TV station. The OBN is the only cross-entity broadcaster, and TV-INFO, its half-hour news bulletin, is increasingly respected as an objective report on events within and beyond Bosnia. The other programming is being built up by a Bosnian management team with the assistance of an international Project Assistance Team.

49. OHR is increasingly asked to help in coordinating other independent media projects, and is currently exploring with other organizations the need for an independent printing house in Banja Luka.

Return of refugees and displaced persons

50. More than one million refugees continue to live outside of the country and close to one million displaced persons are forced to live away from their homes on the territory of Bosnia and Herzegovina. The lack of political will on the part of the Parties has been the most serious obstacle to their return. Despite statements by the political leaders in Bosnia-Herzegovina about the importance of implementing Annex 7 of the General Framework Agreement, negative political linkages and reciprocity demands, coupled with insufficient efforts to ensure the political, economic and social conditions necessary for voluntary and safe return, are still the norm.

51. The decision not to return is all too often conditioned by the lack of effective options. Possibilities for people to return to their homes of origin are limited not only by concerns about the security environment, but also by the lack of available housing, employment and social services, as well as the level of infrastructure and communications. Recent estimates give figures for returnees of around 250,000, overwhelmingly to areas of own ethnic domination. Organized repatriation has made up for only a minor proportion of return movements which are generally individual, voluntary and spontaneous.

52. The implementation of a Procedure for return and reconstruction in the Zone of Separation in cooperation with UNHCR, IFOR and UN-IPTF allows for returns that are limited in number, but have great political importance for the effective realization of the right to return and the right to property, as well as for turning this sensitive zone into an area of normality and stability.

53. Until solved, perpetuated displacement will remain a problem and a destabilizing factor in Bosnia and Herzegovina and the broader region. The desire of people to return will remain a strong force in determining the future of the country, and the role of refugee associations, especially joint efforts such as the Coalition for Return comprising representatives of Bosnian Croat, Serb and Bosniak displaced persons and refugees, will grow in significance.

54. UNHCR, as the operational lead agency for the implementation of Annex 7 of the Peace Agreement, has in 1996 concentrated its efforts on targeted housing reconstruction and on confidence-building measures, and is in the process of developing a two-year regional plan to seek durable solutions to the problems of displaced persons and refugees. My office will participate in the development of this plan, and will work to ensure political support for it both from the Parties and from the international community as a whole. Making significant inroads in 1997-98 is a necessity, especially in the area of so-called "minority returns," and only a comprehensive and regional approach will make it possible to overcome the obstacles and to respond to the desire on the part of the displaced population to return.

55. On December 16, a Humanitarian Issues Working Group (HIWG), chaired by the UN High Commissioner on Refugees, will meet in Geneva to discuss specific plans for the coming year.

Missing persons. Mass graves

56. The international community has continued to work with national authorities to determine the fate of the missing. The ICRC has received almost 16,000 tracing requests from the families of the missing. Although clarification of the status of missing family members has progressed slowly, by November 25 the ICRC has clarified 973 of the 16,000 tracing requests. The Working Group on Missing Persons, chaired by the ICRC, has made it possible for representatives of family associations to have direct contact with the responsible authorities and relevant members of the international community. The Working Group has provided the families with a valuable forum in which to hear and be heard on this issue.

57. Progress on the exhumation of mass graves also proceeded slowly. As a result of an agreement reached on September 4, the Parties undertook to exhume jointly several sites on a priority basis. Three of those sites have been completed. This is a not inconsiderable accomplishment. Unfortunately, however, political difficulties and severely constrained resources resulted in the incomplete collection of mortal remains on the surface of the ground at the two other sites which had been given the highest priority by the Parties.

58. Planning is now underway in the Expert Group on Exhumations and Missing Persons, chaired by my Office, to better coordinate and focus the efforts of the international community to assist the Parties with the exhumation of mass graves

and identification of mortal remains when it is possible to resume exhumations next year. Collection of information for the antemortem data base being created by Physicians for Human Rights and the Association for the Promotion of the Ludwig Boltzman Institute has progressed very well. More than 2200 family members of the missing have provided information for inclusion in the data base. Thanks to the efforts of the UN Expert on Missing Persons, several governments provided assistance to the Parties for the exhumation and identification of missing persons. Physicians for Human Rights has also provided my Office with a forensic anthropologist who will coordinate participation by international forensic experts in exhumations undertaken by the Parties and establish a training program for forensic anthropology.

59. Unresolved issues relating to the missing are a serious impediment to reconciliation. The resources and attention allocated to these issues must be greatly increased if these are not to remain festering wounds.

Human Rights

60. The Peace Agreement requires the authorities to secure to all persons within their jurisdiction the highest level of internationally recognized human rights. One year later, this obligation remains substantially unmet. While the cessation of hostilities resulted in a dramatic improvement in the human rights situation in Bosnia and Herzegovina, the promise of that initial leap forward has not fulfilled through sustained progress towards respect for human rights during 1996. A precarious human rights situation characterized by frequent arbitrary arrests, widespread abuse of ethnic minorities and obstruction of the right to return, continues to reign. Even more disturbing, the frequent human rights violations directed at opposition parties and political figures which occurred in the run up to the elections have not abated. In the past several months, the pattern of abuse by police noted in my last report has also continued, despite efforts by UN IPTF to monitor and check the violence.

61. Harassment of ethnic minorities, including forced evictions and intimidation, continues, and the responsible authorities have failed to act decisively to address this problem in both entities. The destruction of hundreds of minority-owned homes, both in the ZOS and in both entities, which began in late October and has continued, presents not only a grave challenge to right to return, but also a threat to remaining minority residents. Widespread discrimination against ethnic minorities in the fields of employment, education, and access to government services is widespread, also contributes to the trend toward ethnic separation.

62. My last report noted two cases in which police officers have been implicated in brutal murders, one involving apparent torture in which a police vehicle was seen leaving the scene where the body was found and the other a death by beating of a man in police custody. Although more than four months have passed, the perpetrators of these crimes have not been prosecuted, and the police

officers implicated in these deaths remain in their jobs. These most egregious cases were joined in the past months by numerous reports of beatings in detention, abuse which is common in both entities.

63. At the same time, the responsible authorities have failed to take certain concrete steps which are fundamental to the peace process, including bringing existing legislation into conformity with the Peace Agreement. In addition to the need for legislation to support domestic human rights institutions, as mentioned above, laws relating to abandoned property which the authorities have conceded do not comply with the Peace Agreement continue to be enforced in both entities. Ongoing work to draft and implement new property laws should be expedited, and enforcement of existing non-complying laws must be suspended. The substantial delay of authorities of both entities in taking these steps has contributed to ethnic division. In addition, the fundamental flaw in the Republika Srpska's amnesty law – exclusion of persons who deserted or avoided military conscription – must be corrected.

64. The human rights situation in Sarajevo continued to be in the focus of attention of my Office and other international agencies, who are working together to improve conditions for an multi-ethnic capital. We have helped to organize local community councils, especially in areas where tense relations have been reported between Bosniak DPs and remaining Serbs. UNHCR has launched a project to renovate apartments, ensuring, in collaboration with city authorities, that pre-war residents, whether living in Sarajevo, the RS, or abroad, get priority access. In late October, Presidents Izetbegovic and Zubak signed a Protocol on the organization of Sarajevo city and canton, which would ensure a significant role for minorities in the administration. My Office is now working on the effective implementation of this protocol.

65. While monitoring implementation of the human rights provisions of the Peace Agreement, including the right to return, and addressing non-compliance will remain essential during 1997, the role of human rights community in 1997 needs to be more proactive and far-reaching, focusing on longer-term objectives. Priorities for the coming year should include: (1) human rights institution building, involving both strengthening of human rights institutions and support for NGOs; (2) development of a human rights culture through public information, education and other democratization initiatives; and (3) strengthening the rule of law through projects including incorporation of human rights standards into law and reform of legal, administrative and law enforcement institutions. Given the multiplicity of organizations which will continue to be active in the human rights field in 1997, improved integration of human rights activities is essential to ensuring that these objectives are met. To that end, existing structures for coordination of human rights efforts should be modified to better meet and identify priorities for 1997 and to ensure more active participation and direction by key organizations, including international and local NGOs.

Detention Issues and Cooperation with ICTY

66. In the past months, the focus on detention issues has moved from prisoners detained during the war to persons detained following the Peace Agreement. With regard to the first category, the prisoner release requirement imposed by the Peace Agreement was technically fulfilled last spring with the release of all remaining ICRC-registered prisoners, excepting cases submitted to the Hague for review. At the same time, the possibility that an unknown number of persons continue to held in "hidden" detention looms large – regardless of the actual number of such detainees – for two reasons: a) any authority holding prisoners detained during the conflict is committing a substantial breach of its obligations under Annex 1A; and b) the speculation that large number of persons remain in hidden detention undermines resolution of missing persons questions and the peace process more generally. UN IPTF, with the support of the OHR and IFOR, stands ready to provide a credible response to substantive allegations of hidden detention. The authorities must provide concrete proof to support their claims that hidden detainees are not held by ensuring immediate access without prior notice by UN IPTF to any known or suspected place of detention, including military facilities.

67. With regard to persons detained following the peace agreement, substantial human rights violations continue. The failure of the authorities to implement the "Rules of the Road" agreed in Rome on February 18 constitutes a substantial impediment to freedom of movement and fosters arbitrary arrest, often for purposes of "exchange." Under the rules of the road, the authorities agreed that war crimes arrests would be made only pursuant to an indictment by the Tribunal or after an order, warrant or indictment issued by the national authorities has been reviewed by ICTY and found consistent with international legal standards. While both Entities have detained war crimes suspects in violation of this commitment, only the Republika Srpska authorities have so far refused to agree to specific procedures for implementation of the rules of the road. The check provided by Tribunal review of war crimes cases is an essential confidence-building step that will both deter arbitrary arrest and contribute to establishment of the rule of law in Bosnia and Herzegovina. It is essential that both Entities implement the "Rules of the Road" immediately. At the same time, ICTY must be provided with resources necessary to review the cases submitted under this process.

68. The failure by the responsible authorities, particularly of the Republika Srpska, to cooperate with ICTY, has continued unabated. The authorities of Republika Srpska have refused to arrest persons indicted by the Tribunal, relying on a provision of their legislation which is clearly superseded by the Constitution of Bosnia and Herzegovina and other Annexes of the Peace Agreement. At the same time, with disregard for their legal obligations, Bosnian Croat authorities have failed to arrest the numerous indicted persons who reside in or visit areas of the Federation previously under the control of the HVO.

69. The responsible authorities must take immediate steps to implement their legal obligation to cooperate with the International Criminal Tribunal for the former Yugoslavia, including execution of arrest warrants for persons indicted by the Tribunal, submission of all cases involving suspected war crimes to the Tribunal for review prior to arrest or prosecution by national courts, and provision of information to assist in Tribunal investigations. Legislation implementing Bosnia and Herzegovina's responsibilities to cooperate with the Tribunal, including through extradition of indicted persons, should be adopted.

70. The Peace Implementation Council at its London Conference charged the Steering Board to consider what further measures can be taken to facilitate the delivery of indictees to the Tribunal for trial. Based on this, it is my intention to initiate a discussion in the Steering Board on these matters at an early date if there is not sufficient progress by other means.

Economic reconstruction

71. Economic revival and sustainable growth remain major preconditions for peace and economic stability. The first results of peace and reconstruction, and return to normal life are emerging. However, much still remains to be done, and major challenges such as facilitating the return of refugees, have to be met in the very near future. I have continued my coordination efforts with major implementation agencies and international financing institutions, namely the World Bank, the European Commission, the European Bank for Reconstruction and Development, the International Monetary Fund and the International Management Group. I have held regular meetings on weekly basis with these agencies - the Economic Task Force - in Sarajevo to discuss and coordinate economic reconstruction plans and establish priorities.

72. Twelve sector task forces have been established jointly by the European Commission and the World Bank to coordinate the donor efforts in respective fields. The latest newcomer is the Task Force on Macroeconomic Issues chaired jointly by the IMF and the World Bank. The task forces bring together the most important donors as well as the representatives of the beneficiaries to discuss project implementation, to identify financing gaps and to address sectoral development issues. Following the need to increase the efficiency of the sector task forces, more detailed terms of reference and reporting requirements have been set to them. In practice this has implied addressing issues concerning sector policy development and increased project implementation monitoring. They cooperate also closely with the Economic Task Force set up by my Office, and report to me.

73. Due to delays in appointing the BH Council of Ministers and Entity Governments no significant credit or grant agreements on reconstruction projects were signed with Bosnian authorities during the last two months. Implementation of on-going projects continued, and the disbursement rate reached over USD 100 million per month during the autumn. Relevant project

implementation structures are up and running in the Federation of Bosnia and Herzegovina consisting of Bosnian representatives and foreign experts. The setting up of similar structures has been somewhat slower in Republika Srpska even though four subsidiary loan agreements with the World Bank have already been signed.

74. According to the latest statistics, firm donor commitments for 1996 add up to USD 1,556 million omitting peace implementation activities. The total amount under different stages of implementation is USD 1,176 million, out which USD 720 million have been disbursed. The Federation territory has received 84 % of the total assistance efforts under implementation while 14 % represent activities regarding both state and inter-entity. Only 2 % of the total activities are under implementation in Republika Srpska. Even in the Federation the assistance efforts have so far concentrated on few areas, where only three cantons and Sarajevo have received more than two thirds of the total. In the future this tendency must be reverted and more balanced approach must be obtained concerning both the Federation and Republika Srpska, considering the degree of damage, needs and political conditionality.

75. Within the framework of reforms that facilitate economic recovery and transition of Bosnia and Herzegovina to a market economy, I have stressed certain priority sectors such as infrastructure, employment generation and restart of production. Some positive examples can be mentioned: regular, though limited amount of commercial flights to and from the Sarajevo Airport, completion of two major bridges between Sarajevo and Mostar, and the reconstruction of another eleven bridges is underway; rehabilitation of five principal power plants and four main transmission lines, and picking up of small scale commerce. Altogether the total amount of civil works, goods and services completed or underway is more than 900. There are, however, still persisting financing gaps in all major sectors in spite of my strong recommendations to the donor community. Political constraints on the spot have also regrettably slowed down implementation and the lack of four basic freedoms effectively impedes economic cooperation between the entities. This naturally slows down the overall economic recovery process in the whole country. I have made it very clear that these tendencies must not continue.

76. Preparations for the next stage of recovery have been started. In order to speed up the adoption of a legislative framework conducive to the transition to a market economy, my office has coordinated the drafting of a Quick Start Package (QSP) consisting of major pieces of legislation such as foreign trade and investment laws, customs tariff law and law on the Central Bank. The first QSP will be followed by a second package concentrating mainly on regulatory framework legislation. In general, particular emphasis needs to be placed on developing institutions and policies that will maximize the potential for sustaining reconstruction and economic revival. The success of these efforts prerequisites both responsibility on the part of the Bosnian authorities and close cooperation among the major international implementation agencies.

Mine clearance

77. Progress with physical mine clearance remains slow. However, the Mine Action Task Force is active, training continues and a number of mine clearing projects conducted by local companies, Norwegian Peoples Aid and US Government sponsored teams, are underway. The UN Mine Action Centre continues to recruit staff, develop the data base, plan further training, determine priorities and establish regional centres.

78. I welcome the firm line taken by IFOR during the period which has compelled the Parties to put more effort into meeting their responsibilities under Annex 1A with regard to using their military forces to clear and mark mine fields. Progress in actually clearing mines to the agreed standard has been limited and winter weather will further limit achievement in this area. Continued pressure from the follow-on SFOR is likely to be required if progress is to improve.

79. I further welcome the commitments made at the London Conference by the authorities of Bosnia and Herzegovina and the International Community to the Action Plan for mine clearing in 1997. Meeting and funding these commitments will be vital if the tragic casualties caused by mines are to be reduced, the return of refugees and displaced persons proceed and economic reconstruction not be delayed.

Regional stabilization

80. Implementation of the Agreement on Sub-Regional Arms Control pursuant to Article II and IV of Annex 1B of the Peace Agreement, signed in Florence on June 14, continues.

81. Substantial progress has been made in the Article II Agreement, and I welcome the Parties' undertaking to move rapidly to full implementation. I remain concerned about the ease with which weapons have been produced by the Parties during recent incidents in the Zone of Separation. The Parties must redouble their efforts to ensure that there is no recourse to violence in meeting the terms of the peace agreement.

82. Problems and delays have continued in the Article IV implementation , with baseline validation and inspection difficulties blocking progress. I welcome the parties reconfirming their obligation to cooperate, but the January 1, 1997 deadline is unlikely to be met in every category by all the parties, and we must ensure the resources, and the will, are stronger in 1997.

83. I welcome the appointment by the OSCE Chairman-in-Office of his Special Representative for Article V and urge the earliest possible start to Article V negotiations to achieve regional balance in the former Yugoslavia.

IV. COOPERATION WITH IFOR

84. Close relations with the North Atlantic Treaty Organization and the NATO-led Implementation Force (IFOR) continued to be most constructive at all levels. In theatre, effective coordination of the civilian and military efforts has been maintained. From this point of view the meetings of Principals which I chair have proved an effective vehicle to both share information and take executive decisions. Military support to civilian agencies in this period has been vital to the overall progress.

85. I would like to record my deep gratitude to both Admiral Joseph Lopez, and the long-serving General Michael Walker and their staffs, for their contribution to the peace process in Bosnia and Herzegovina.

86. That said, General William Crouch and his staff have effected a seamless transition from both IFOR and ARRC Headquarters. I am delighted the new staff of the single military Theatre Headquarters have so quickly developed close links with my staff. That, in my view, shall serve as a sound basis for continuation of these links with the follow-on Stabilization Force (SFOR).

V. LOOKING FORWARD

87. The fourth phase of peace implementation during 1996 has been the most demanding so far, with efforts to fully implement the Constitution through the setting up of common institutions proceeding in parallel with the international discussions on structures to assist the peace efforts during the coming consolidation period up until and including the national and Entity-level elections in 1998.

88. Although the pace of setting up of the common institutions has been slower than the Presidency committed itself to, we have seen gradual progress, and it seems safe to assume that all the common institutions will be set up in the near future. Our efforts will then be directed towards assisting in setting up the structures which will facilitate their work with the tasks given them in the Constitution, as well as with the decisions needed on interim legislation in a number of key areas which are indicated in the London conclusions and which are essential in starting to tackle the real problems of the country.

89. Of particular importance is that the common institutions of Bosnia and Herzegovina, as well as those of the Federation and Republika Srpska, begin to take more radical measures in order to solve the economic and social problems of the country. I remain concerned by the low priority so far given to these issues by the political leaders.

90. International reconstruction assistance will be continued during the consolidation period, but it can not be assumed that it will continue on a large scale thereafter. In order to make self-sustaining economic growth possible in the

years ahead, it is thus imperative that radical structural reform measures are undertaken in the near future to create an open and competitive economy able to sustain the reconstruction efforts and meet the social and public needs of the country into the 21st century. The efforts by the International Monetary Fund and the World Bank as concerns structural reform issues, in close collaboration with my office, is of great importance in this regard.

91. Based on an agreement between the Council of Ministers and the IMF, it is my firm hope that we will see measures initiating the necessary structural reforms before the Donor Conference planned to be held in late February 1997. Clear indications by the authorities of Bosnia and Herzegovina - the common institutions as well as those of the Entities - that they are moving forward on the economic reform issues will, in my opinion, increase the possibilities for a good result of the Donor Conference.

92. In my previous reports, I stressed my concerns over the human rights situation in Bosnia and Herzegovina. Although there have been signs of improvement in certain areas, I regret to report that the overall situation remains deeply unsatisfactory throughout the territory of the country.

93. Human rights is the key to most other aspects of political and civilian implementation of the Peace Agreement. It is only when human rights are fully respected that the political life of the country can free itself of the factor of fear now so obvious. It is only when human rights are secure that the refugees and displaced persons will start to return in greater number to their places of origin or choice. It is only when human rights are seen as protected that the freedom of movement, which is so central to the peace implementation, will be exercised by larger and larger number of people.

94. The year which has passed has laid the foundations for the peace implementation process to continue. It would have been naïve to assume that all the aims of the peace agreement could have been reached in one year alone. What we have achieved is a base on which the further efforts during the consolidation period ahead will build. The peace process is not yet self-sustaining, but with a clear commitment by all the authorities of Bosnia and Herzegovina as well as from the international community the consolidation period should be able to result in a peace process which is self-sustaining.

95. 1997 will be a year with significant challenges. In the early part of the year, the Brcko arbitration must find a permanent solution to this complex problem. As we approach the summer, the municipal elections will come into focus with the critical issues relating to the full implementation of their results throughout the country. And all through the year the issues of refugee return as well as the questions relating the cooperation with ICTY must be high up on the agenda.

96. During the first part of the year - until I expect to deliver my next report - the setting up of the common institutions will continue. The London conclusions contain important commitments which must be meet, and which are of

importance if the common institutions will be able to work in such a way as to make them truly accepted and respected throughout the country. The Presidency is committed to take a decision by February 15 on the flag and symbols of Bosnia and Herzegovina, and by the end of March on the diplomatic representation of the country, since this must reflect and represent the Presidency as a whole.

97. There is no denying that the drift towards ethnic separation is continuing in Bosnia one year after the peace agreement was signed. The forces of ethnic separation are still stronger than the forces of ethnic reintegration. But the trend is by no means irreversible. As peace takes hold, and as the economy throughout the country starts to revive, the inter-action between the different parts of the country is bound to increase. If human rights are respected we will then start to see the country coming back together again. It must be a central aim of the international efforts to ensure that this will be the case.

98. In my previous reports I have consistently stressed that our commitment to peace in this part of Europe must be longer in time than just one year and wider in geographic scope than just Bosnia. With guidelines for the consolidation plan now approved, and with the corresponding military decisions taken, the framework for the 1997 and 1998 in Bosnia are now in place.

99. But peace and stability in Bosnia will come under strain if there is aggressive nationalism or political upheaval in the surrounding countries. This could result in forces of separation in Bosnia receiving an impetus, and it could also result in new waves of refugees which could have a negative impact on the situation in the country. The international community must be ready to do whatever can be done in order to facilitate the full respect for human and political rights for each and everyone in Croatia and the Federal Republic of Yugoslavia.

100. The first year of peace implementation was over-all a year of success. But each step forward we have taken has also demonstrated how many more are the steps which must be taken for the peace process to be self-sustaining and stable. The recent international decisions in Paris, London and Brussels have created conditions for making this possible in the years ahead.

Carl Bildt

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1996/1025
10 December 1996

ORIGINAL: ENGLISH

LETTER DATED 9 DECEMBER 1996 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached exchange of letters between the Secretary-General of the North Atlantic Treaty Organization and the Parties to the Dayton Peace Accords concerning the Stabilization Force in Bosnia and Herzegovina.

I would appreciate your bringing them to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

96-35850 (E) 101296

/...

Annex I

Letter dated 2 December 1996 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In my letter of 28 November, I informed you that NATO was proceeding with preparations for a follow-up force in Bosnia and Herzegovina. On 29 November, allies agreed that this force would be named the Stabilization Force, or SFOR, and that I should seek the acceptance of the Parties to the Dayton Accords of SFOR as the successor to the Implementation Force (IFOR). I enclose for your information a copy of the letter I sent to the members of the Presidency of Bosnia and Herzegovina on SFOR and a copy of their response. I have sent similar letters to President Milosevic and President Tudjman (also enclosed) and am awaiting their responses.

(Signed) Javier SOLANA

Enclosure I

Letter dated 29 November 1996 from the Secretary-General of the North Atlantic Treaty Organization to the members of the Presidency of Bosnia and Herzegovina

I have the honour to refer to the multinational military Implementation Force (IFOR), and the important role that it has played in the implementation of the military aspects of the Peace Agreement initialled at Dayton on 21 November 1995, and signed at Paris on 14 December 1995 (the Peace Agreement).

It is our understanding that Bosnia and Herzegovina would welcome a follow-up stabilization force (SFOR) to be organized and led by the North Atlantic Treaty Organization.

It is our further understanding that Bosnia and Herzegovina welcomes and invites action by the United Nations Security Council to continue the authorization granted in paragraphs 14 to 17 of its resolution 1031 (1995), with respect to the follow-up force and that it will cooperate fully.

In this connection, it is also our understanding that all references to IFOR in the Peace Agreement (particularly its annexes 1-A and 2) and in all other relevant documents will be read as references to the follow-up force (SFOR).

It is also our understanding that SFOR is the legal successor to IFOR. SFOR is entitled to the same rights, immunities, privileges and facilities as IFOR for all purposes. All international instruments, all public and private agreements, contracts or arrangements of any kind and description, memoranda of understanding and all other relevant instruments involving IFOR shall remain in force and shall hereinafter be read and interpreted as referring to SFOR.

I would appreciate your confirmation of these understandings on behalf of Bosnia and Herzegovina, including its constituent entities the Federation of Bosnia and Herzegovina and the Republika Srpska.

(Signed) Javier SOLANA

Enclosure II

Letter dated 30 November 1996 from the members of the Presidency of Bosnia and Herzegovina to the Secretary-General of the North Atlantic Treaty Organization

We refer to your letter of 29 November 1996, concerning the status of a follow-up stabilization force in Bosnia and Herzegovina to be organized and led by the North Atlantic Treaty Organization.

The Presidency of Bosnia and Herzegovina herewith acknowledges receipt of your letter and confirms concurrence with its contents in full.

We understand that the Presidency shall be consulted on the duration of the mandate.

(Signed)
Alija IZETBEGOVIC

(Signed)
Kresimir ZUBAK

(Signed)
Momcilo KRAJISNIK

Enclosure III

Letter dated 29 November 1996 from the Director of the Private Office of the Secretary-General of the North Atlantic Treaty Organization to the Chargé d'affaires a.i. of the Embassy of the Federal Republic of Yugoslavia transmitting a letter from the Secretary-General to the President of the Federal Republic of Yugoslavia

I would be grateful if you could forward the enclosed letter from the Secretary-General to His Excellency President Slobodan Milosevic.

For your information, it should be noted that a comparable letter has been sent to the President of the Republic of Croatia and the Presidency of Bosnia and Herzegovina.

(Signed) Jorge DOMECQ

Enclosure IV

Letter dated 29 November 1996 from the Secretary-General of the North Atlantic Treaty Organization to the President of the Federal Republic of Yugoslavia

I have the honour to refer to the multinational military Implementation Force (IFOR), and the important role that it has played in the implementation of the military aspects of the Peace Agreement initialled at Dayton on 21 November 1995, and signed at Paris on 14 December 1995 (the Peace Agreement).

It is our understanding that the Federal Republic of Yugoslavia would welcome a follow-up stabilization force (SFOR) to be organized and led by the North Atlantic Treaty Organization.

It is our further understanding that the Federal Republic of Yugoslavia welcomes and invites action by the United Nations Security Council to continue the authorization granted in paragraphs 14 to 17 of its resolution 1031 (1995), with respect to the follow-up force and that it will cooperate fully.

In this connection, it is also our understanding that all references to IFOR in the Peace Agreement (particularly its annexes 1-A and 2) and in all other relevant documents will be read as references to the follow-up force (SFOR).

It is also our understanding that SFOR is the legal successor to IFOR. SFOR is entitled to the same rights, immunities, privileges and facilities as IFOR for all purposes. All international instruments, all public and private agreements, contracts or arrangements of any kind and description, memoranda of understanding and all other relevant instruments involving IFOR shall remain in force and shall hereinafter be read and interpreted as referring to SFOR.

I would appreciate your confirmation of these understandings on behalf of the Federal Republic of Yugoslavia.

(Signed) Javier SOLANA

Enclosure V

Letter dated 29 November 1996 from the Director of the Private Office of the Secretary-General of the North Atlantic Treaty Organization to the Ambassador of Croatia transmitting a letter from the Secretary-General to the President of Croatia

I would be grateful if you could forward the enclosed letter from the Secretary-General to the President of Croatia, His Excellency Dr. Franjo Tudjman.

For your information, it should be noted that a comparable letter has been sent to the Presidency of Bosnia and Herzegovina and His Excellency Mr. Milosevic.

(Signed) Jorge DOMECQ

Enclosure VI

Letter dated 29 November 1996 from the Secretary-General of the North Atlantic Treaty Organization to the President of Croatia

I have the honour to refer to the multinational military Implementation Force (IFOR), and the important role that it has played in the implementation of the military aspects of the Peace Agreement initialled at Dayton on 21 November 1995, and signed at Paris on 14 December 1995 (the Peace Agreement).

It is our understanding that the Republic of Croatia would welcome a follow-up stabilization force (SFOR) to be organized and led by the North Atlantic Treaty Organization.

It is our further understanding that the Republic of Croatia welcomes and invites action by the United Nations Security Council to continue the authorization granted in paragraphs 14 to 17 of its resolution 1031 (1995), with respect to the follow-up force and that it will cooperate fully.

In this connection, it is also our understanding that all references to IFOR in the Peace Agreement (particularly its annexes 1-A and 2) and in all other relevant documents will be read as references to the follow-up force (SFOR).

It is also our understanding that SFOR is the legal successor to IFOR. SFOR is entitled to the same rights, immunities, privileges and facilities as IFOR for all purposes. All international instruments, all public and private agreements, contracts or arrangements of any kind and description, memoranda of understanding and all other relevant instruments involving IFOR shall remain in force and shall hereinafter be read and interpreted as referring to SFOR.

I would appreciate your confirmation of these understandings on behalf of the Republic of Croatia.

(Signed) Javier SOLANA

Annex II

Letter dated 4 December 1996 from the Deputy Director of the Private Office of the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

Please find attached for your information a copy of the letter to the Secretary-General of NATO from the Minister for Foreign Affairs of the Federal Republic of Yugoslavia responding positively to his letter of 29 November on the Stabilization Force. I also enclose a letter from the Federal Republic of Yugoslavia concerning the transit agreement between the Federal Republic of Yugoslavia and NATO.

(Signed) Alastair MERRILL

Enclosure I

Letter dated 3 December 1996 from the Minister for Foreign Affairs of the Federal Republic of Yugoslavia to the Secretary-General of the North Atlantic Treaty Organization

I refer to your letter of 29 November 1996, concerning the status of a follow-up Stabilization Force in Bosnia and Herzegovina to be organized and led by the North Atlantic Treaty Organization.

On behalf of the Federal Republic of Yugoslavia, I herewith acknowledge receipt of your letter and confirm concurrence with its contents in full.

(Signed) Milan MILUTINOVIĆ

Enclosure II

Letter dated 3 December 1996 from the Minister for Foreign Affairs of the Federal Republic of Yugoslavia to the Secretary-General of the North Atlantic Treaty Organization

I take this opportunity to remind you that we still have not concluded the task started in Dayton, Ohio of interpreting certain regulations contained in the Transit Agreement for Peace Plan Operations between the Federal Republic of Yugoslavia and NATO, signed on 21 and 23 November 1995. On 20 February 1996, we received a letter from Mr. B. de Vidts, Legal Adviser of NATO, which contained some interpretations of the provisions of the Transit Agreement, but these interpretations greatly departed from those agreed upon in Dayton.

Pursuant to the provisions of the Constitution of the Federal Republic of Yugoslavia, the Transit Agreement is subject to the approval by the Federal Assembly. Pending the approval, it is implemented on a temporary basis. In my previous letters I explained to you that your confirmation as to the meaning of certain regulations contained in the Transit Agreement, set forth in Dayton, would be of great importance in the procedure of granting the approval to the Transit Agreement by the Federal Assembly.

In his letter of 30 April 1996, General George Joulwan (SACEUR) informed me that the matter would be reviewed by the competent officials and that I would shortly be informed thereof. Since I have not received any reply so far, I kindly ask you to intercede so that the competent NATO authorities may confirm in a letter the interpretation of the Transit Agreement agreed upon in Dayton.

I am sending you, enclosed herewith, a copy of the text "Understandings Regarding Certain Provisions of the Agreement Between the Federal Republic of Yugoslavia and the North Atlantic Treaty Organization (NATO) Concerning Transit Arrangements for Peace Plan Operations", set forth in Dayton.

I look forward to your reply.

(Signed) Milan MILUTINOVIĆ

Annex III

Letter dated 4 December 1996 from the Deputy Director of the Private Office of the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

Please find attached for your information a copy of a letter to the Secretary-General of NATO from the President of the Republic of Croatia, together with a courtesy translation, responding positively to his letter of 29 November on the Stabilization Force.

(Signed) Alastair MERRILL
Deputy Director of the Private Office

Enclosure I

Letter dated 3 December 1996 from the President of Croatia to the Secretary-General of the North Atlantic Treaty Organization

Thank you for your letter of 29 November 1996 concerning the to-date role of IFOR in enforcing the Agreement, drawn up in Dayton and signed in Paris on 14 December 1995, and the tasks of the Stabilization Force (SFOR) which would be established and conducted by NATO in the coming period to be defined by the United Nations Security Council.

The Republic of Croatia, as a co-signatory of the Dayton/Paris Agreement, has been supporting the implementation of its provisions throughout the previous period in the interest of stability and security in Bosnia and Herzegovina, as well as the role of IFOR in carrying out the military measures designed to ensure peace.

Not only Croatia but also the international community as a whole is interested in a continued process of unreserved implementation of the accords reached. The Republic of Croatia will continue to use all its influence in this direction, especially all those provisions of the Washington Agreement related to the Federation of Bosnia and Herzegovina, including the already mentioned Dayton/Paris Agreement. We believe that a leading role of NATO is indispensable in this process and that the stability and security in the south-east of Europe will be an additional rationale behind Croatia's accession to the Partnership for Peace and, in the foreseeable future, to NATO membership.

In this connection, and on behalf of the Republic of Croatia, I wish to confirm consent to all the points of mutual understanding put forward in your letter.

Dr. Franjo TUDJMAN
President
Republic of Croatia

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1026
11 December 1996

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General dated 2 December 1996 (S/1996/1000),

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola (UNITA) of the "Acordos de Paz" (S/22609, annex), the Lusaka Protocol (S/1994/1441, annex) and relevant Security Council resolutions,

Reminding the Government of Angola and UNITA to uphold strictly, without delay, their obligations under the Lusaka Protocol and the commitments they entered into in Libreville and Franceville,

Underlining the need for respect for human rights, and stressing the need for the Angolan parties to give greater attention to preventing incidents of human rights abuse, investigating alleged human rights violations, and punishing those found guilty by due process of law,

Welcoming the efforts of the Secretary-General, his Special Representative and personnel of the United Nations Angola Verification Mission (UNAVEM III), the three observer States to the Angolan peace process, the Organization of African Unity (OAU), Southern African Development Community (SADC), and the international community as a whole, and encouraging them to continue their efforts to promote peace and security in Angola,

1. Welcomes the report of the Secretary-General dated 2 December 1996;

2. Expresses concern at the overall slow pace of the peace process, but notes some positive steps in its implementation;

3. Decides to extend the mandate of UNAVEM III until 28 February 1997;

4. Approves the Secretary-General's recommendation to resume withdrawal of UNAVEM III formed military units during February 1997 as set forth in paragraphs 30 through 32 of his report of 2 December 1996, with the understanding that the pace of withdrawal will be commensurate with progress achieved in the quartering areas, in demobilization and in the extension of state administration, and that the first phase of withdrawal will begin on schedule in February 1997;

5. Authorizes the Secretary-General to commence the gradual and progressive withdrawal of UNAVEM III formed military units from individual quartering areas prior to February 1997, and to accelerate the withdrawal schedule subsequently, if former combatants vacate the quartering areas in accordance with the Lusaka Protocol and other factors are conducive to withdrawal, without putting at risk the successful completion of the peace process;

6. Stresses that both parties must immediately begin to cooperate on integrating selected UNITA officers and troops into the FAA and on demobilizing those remaining in the quartering areas, and underlines the need for the Government of Angola to make available all necessary funds it has pledged and to speed up the processing of demobilization certificates and other administrative matters;

7. Reminds Member States that the need has now become urgent for the financial resources necessary to facilitate the demobilization and social reintegration of ex-combatants through the United Nations consolidated inter-agency appeal for Angola;

8. Calls upon UNITA to cooperate with the Government of Angola in its immediate task of creating integrated FAA and police units which would begin, in the spirit of the Lusaka Protocol and monitored by UNAVEM III, the gradual, orderly and peaceful extension of State administration into areas formerly occupied by UNITA;

9. Urges the Government of Angola to avoid offensive military operations which go beyond those strictly necessary for the restoration and maintenance of law and order in the areas formerly occupied by UNITA;

10. Recalls the need for the President of Angola and the President of UNITA to meet inside Angola at the earliest opportunity, and calls on both parties to move rapidly on the political steps towards national reconciliation, including the assumption by UNITA deputies and officials of their posts, followed by establishment of a Government of National Unity and Reconciliation prior to 31 December 1996;

11. Urges the two parties to reach agreement on the special status of the President of UNITA as the President of the largest opposition party before 31 December 1996, without linkage of that issue to the formation of a Government of National Unity and Reconciliation;

12. Calls upon the President of UNITA to travel to Luanda for the creation of the Government of National Unity and Reconciliation, and thereafter to maximize the amount of time spent in Luanda in order to enhance confidence in the country's democratic institutions and the irreversibility of the peace process;

13. Welcomes the continuation of the programme for the disarmament of the civilian population by the Government of Angola, and stresses the need for its full and more effective implementation, including disarmament of the Civilian Defence Corps;

14. Reiterates its concern over the acquisition of weapons contrary to paragraph 12 of resolution 976 (1995) of 8 February 1995, while the peace process is under way;

15. Reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) of 15 September 1993, calls upon all States to make the necessary actions to implement the provisions of paragraphs 19 to 25 of resolution 864 (1993) vigorously and strictly, and expresses deep concern that the failure by States, especially those neighbouring Angola, to do so is inconsistent with the peace process and undermines economic recovery;

16. Demands that all parties and others concerned in Angola take all necessary measures to ensure the safety of United Nations and other international personnel and premises, including that of non-governmental organizations, and to guarantee the safety and freedom of movement of humanitarian supplies throughout the country;

17. Calls upon both parties to intensify their demining efforts, and reiterates the need for continued commitment to peace by destruction of stockpiles of landmines monitored and verified by UNAVEM III, and expresses support for various United Nations demining activities in Angola, including plans aimed at enhancing national demining capacity;

18. Urges the Government of Angola and UNITA to remove all illegal checkpoints that constitute obstacles to the free circulation of people and goods throughout the country;

19. Urges the international community to fulfil expeditiously its pledges to provide assistance to facilitate the rehabilitation and reconstruction of the Angolan national economy and the resettlement of displaced persons, and stresses the importance of such assistance at this time in order to consolidate the gains in the peace process;

20. Requests the Secretary-General to continue planning for a follow-on United Nations presence along the lines described in paragraph 33 of his report of 2 December 1996 which would include military observers, police observers, a political component, human rights monitors and a Special Representative, with the aim of maintaining a limited United Nations presence in Angola, and to report thereon no later than 10 February 1997;

21. Expresses its readiness to consider, in that context, the possibility of sending a Security Council mission to Angola before the expiry of the mandate of UNAVEM III;

22. Decides to remain actively seized of the matter.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/1027
11 December 1996

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVE OF POLAND ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 4 November from the Minister for Foreign Affairs of Poland stating that Lt. Col. Zbigniew Pluskota has been appointed alternate representative of Poland on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

96-36066 (E) 111296